

NEWBURY LAND SUBDIVISION CONTROL REGULATIONS

By

The Planning Board
of
The Town of Newbury
New Hampshire
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LAND SUBDIVISION CONTROL REGULATIONS
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ARTICLE 1- ADOPTION AND PURPOSES

1.1 Authority and Adoption

Under the authority vested in the Newbury Planning Board by the voters of the Town of Newbury on June 4, 1971 in accordance with Chapter 674, Section 35 to 42 inclusive, N.H. Revised Statutes Annotated, 1983, as amended, and every other authority thereto enabling, the Newbury Planning Board adopts the following regulations governing the subdivision of real property in the Town of Newbury.

1.2 Title

These regulations shall be known as the Town of Newbury Land Subdivision Control Regulations, and hereinafter referred to as "these regulations" or "subdivision regulations".

1.3 Purpose

The purpose of these regulations is to promote orderly and planned growth of undeveloped areas of Newbury, to foster the development of an economically and environmentally sound and stable community and to safeguard and protect the interests of the public and the taxpayer from the consequences of improper subdivision and unmanaged growth by:

- 1.3.1 Providing against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- 1.3.2 Providing for the harmonious development of the municipality and its environs;
- 1.3.3 Requiring the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;
- 1.3.4 Providing for open spaces of adequate proportions;
- 1.3.5 Requiring suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- 1.3.6 Requiring in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes;
- 1.3.7 Requiring that proposed parks shall be of reasonable size for neighborhood

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playgrounds or other recreational uses;

- 1.3.8 Requiring that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- 1.3.9 Prescribing minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and
- 1.3.10 Including provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

1.4 When Subdivision Approval Is Required

Subdivision approval by the Board is required for the following development:

- 1.4.1 The division of a lot, tract, or parcel of land into two or more lots which are to be conveyed as separate lots to be owned individually.
- 1.4.2 The division of a lot, tract, or parcel of land into two or more sites for buildings for sale, lease or for condominiums.
- 1.4.3 Annexations, Minor Lot Line Adjustments and Boundary Agreements

For subdivision purposes the land on each side of a highway shall be a separate and existing lot providing each lot so created conforms to the Zoning Ordinance.

ARTICLE 2- DEFINITIONS

- 2.1 Abutter** Any person whose property adjoins or is directly across a street or stream from the land under consideration by any Newbury land use board. A property owner cannot be his/her own abutter for the purpose of notification. For the purposes of receipt of notification of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association. For the purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. The names of all abutters, for purposes of notification, shall be obtained from the Town Tax List as it exists in the Town Offices.
- 2.2 Annexation** shall mean the sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels, lots, or owners and does not result in additional lots of substandard areas under the Zoning Ordinance. Annexations include minor lot line adjustments and boundary agreements.
- 2.3 Board** shall mean the Planning Board of the Town of Newbury.
- 2.4 Certified Soil Scientist** means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.
- 2.5 Clear Days** For the purpose of public notice, clear days shall not include the day of publication or posting of the notice and shall not include the day of the public hearing.
- 2.6 Condominium** means the division of a lot, tract, or parcel of land into two or more lots or building sites, whether immediate or future, which lots shall be submitted to the condominium form of ownership and for which there shall be condominium conveyances, whether immediate or future, in conformity with RSA 356-B. A condominium consisting of a single building on a lot shall not be subject to subdivision review, but subject to Site Plan Review.
- 2.7 Dead-End Street** shall mean a street configuration where one must exit from the same place where one entered. Specifically, a street or system of connected streets where the entrance is on a multiaccess subdivision street or an existing off-site Class V or better road (through street), and where all the streets terminate at a point not on a through street.
- 2.8 Development** means any construction or grading activities on real estate for other than agricultural and silvicultural practices.
- 2.9 Disturbed Area** means an area where the natural vegetation has been removed exposing the underlying soil.
- 2.10 Erosion** means the detachment and movement soil or rock fragments by water, ice, wind or gravity.
- 2.11 Flood Limit** shall mean the land-water boundary of a body of water or a watercourse flowing at its highest 100 year frequency as defined by a responsible public agency such

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as the U.S. Army Corps of Engineers or the U.S. Department of Agriculture Soil Conservation Service.

- 2.12 Flood Prone Area** shall mean the area of land lower in elevation than the land-water boundary of a body of water or along a watercourse flowing at its highest 100 year frequency or those soils classified by the National Cooperative Soil Survey as "soils subject to flooding."
- 2.13 Form Factor** means the number which represents the relationship between the boundaries of a lot and its area. A small number indicates a squarish, compact lot, while a large number indicates a long and narrow, or convoluted shape. The number is calculated by squaring the perimeter of the lot, in feet, and dividing by its area, in square feet. ($FF = P^2 \div A$)
- 2.14 Major Subdivision** shall mean the subdivision of land into four or more lots, plats or sites as defined by RSA 674:4, III.
- 2.15 Minor Subdivision** shall mean the subdivision of land into a total of three or fewer lots, plats or sites within a five year period requiring no new roads, utilities, or other public improvements as defined by RSA 676:4, III.
- 2.16 Multi-Family Dwelling** shall mean a residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
- 2.17 Plat** shall mean the final plan, with all required data, maps and narrative materials, on which the subdivider's plan of subdivision is presented to the Board for approval and includes the Site Survey Plat which if signed by a majority of the Board will be recorded in the Registry of Deeds of Merrimack County.
- 2.18 Project Area** means the area within the subdivision boundaries.
- 2.19 Sediment** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 2.20 Stream** means a stream that flows for sufficient times of the year to develop and maintain defined channels but may not flow during dry portions of the year. It includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.
- 2.21 Street** shall mean a Class V highway or better, or a road or a right-of-way shown on a subdivision plat approved by the Board.
- 2.22 Subdivider** means the owner of record of land to be subdivided or the agent of the owner. Agents shall present their authority from the owner in writing.
- 2.23 Subdivision** means the division of the lot, tract, or parcel of land into 2 or more lots,

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plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these regulations.

- 2.24 Surveyor or Engineer** as used herein shall mean a person duly registered as such under the laws of the State of New Hampshire.
- 2.25 Town** means the Town of Newbury, New Hampshire.

ARTICLE 3- APPLICATION PROCEDURES

- 3.0** There are three phases in the application process. The first, conceptual consultation, is optional for annexations and lot line adjustments, and is optional but strongly recommended for major and minor subdivisions. The second phase, preliminary design review, is required only for major subdivisions, but may be used for any project where the applicant wants board and public input before arriving at a final design. The third phase, application for final approval, is required for all projects.

3.1 Conceptual Consultation

Anyone with a project proposal may present it to the Board in conceptual form. The Board may discuss the proposal in general terms focusing on the basic concept of the proposal and general items such as the desirability of types of development and proposals under the master plan, and applicability and conformity with the Zoning Ordinance, Subdivision Regulations and other pertinent local regulations. Such discussion may occur only at formal meetings of the Board but will not require public notice to abutters and the general public. There will be no decision or action by the Board with regard to any conceptual consultation. Such consultation shall not bind either the applicant or the Board. There is no application fee or time limit for this review. Conceptual consultation is recommended for projects of all sizes since it gives the applicant a chance to fully understand all the procedures and requirements.

3.2 Preliminary Design Review

The purpose of Preliminary Design Review is to allow the applicant to present a more detailed plan, and to solicit comment from the abutters and the interested public. This phase is required for applicants proposing major subdivisions but may be used by others if they think it will be useful to them. Since a formal hearing is required, the applicant shall submit an application on a form provided by the board, provide an abutters list, and pay the required fees. The Board shall give formal public notice, at the applicant's expense, to abutters and the general public in accordance with Section 3.9 of these regulations.

The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board may, but is not required to, give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal. Such Preliminary Design Review shall bind neither the applicant nor the Board. A hearing on a particular Preliminary Design Review may be adjourned to continue on a specific date, time, and place with no further notice of the re-convened hearing required. There is no time limit on Preliminary Design Review.

3.3 Application for Final Approval

Anyone wanting approval for a proposed project shall submit an application for final approval together with supporting documentation as detailed in this and following sections. The Board will notice and hold a public hearing at which time the application

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will be reviewed for completeness and a vote taken to decide whether to accept the application as complete. Upon acceptance, the Board may hear the proposal immediately or at the next regularly scheduled meeting. In either case, the Board will review the proposal and accept public comment, before making a decision.

3.4 Process for Annexations and Lot Line Adjustments

3.4.1 Conceptual Consultation

Conceptual Consultation is not required, but potential applicants may find it useful to get an understanding of terms, regulations, and processes. See Section 3.1.

3.4.2 Application for Final Approval

The owner/agent shall submit an application which meets all the requirements for an annexation, or a lot line adjustment as presented in ARTICLE 7.

3.5 Process for Minor Subdivisions

3.5.1 Conceptual Consultation

A conceptual consultation is not required but is strongly recommended for minor subdivision proposals. The purpose of the meeting is to make an initial determination of maximum density and discuss the developer's goals. In addition, the board can provide guidance and understanding with respect to the ordinance, regulations, and the subdivision process.

The owner/agent should present a location map which can be a copy of the tax map for that area as well as a scaled sketch or drawing showing boundaries and the approximate extent of steep slopes, flood plains, wetlands, water bodies, and deer wintering areas including the approximate area of each. The owner/agent should be prepared to discuss the goals and objectives for the site. At this meeting, the owner/agent should present the initial determination of density for review and concurrence by the board. See the Zoning Ordinance paragraph 5.12.4 and Tables 5.12.1 and 5.12.2 for the method.

3.5.2 Preliminary Design Review

The purpose of Preliminary Design Review is to acquaint the board with the existing conditions, to review and approve the final determination of density, and to receive comment from the public, affected departments and agencies, and the board on the proposal. Preliminary Design Review is not required for minor subdivisions. If the applicant wishes to use this part of the process, the applicant shall submit an application which includes a density report as specified in Section 9.3, and a proposed subdivision plan.

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3.5.3 Application for Final Approval

The owner/agent shall submit an application which meets all the requirements for a minor subdivision as presented in ARTICLE 8.

3.6 Process for Major Subdivisions

3.6.1 Conceptual Consultation

A conceptual consultation is not required but is strongly recommended for major subdivision proposals. The purpose of the meeting is to make an initial determination of maximum density and discuss the developer's goals. In addition, the board can provide guidance and understanding with respect to the ordinance, regulations, and the subdivision process.

The owner/agent shall present a location map which can be a copy of the tax map for that area as well as a scaled sketch or drawing showing boundaries and the approximate extent of steep slopes, flood plains, wetlands, water bodies, and deer wintering areas including the approximate area of each. The owner/agent should be prepared to discuss the goals and objectives for the site. At this meeting, the owner/agent shall present the initial determination of density for review and concurrence by the board. See the Zoning Ordinance paragraph 5.12.4 and Tables 5.12.1 and 5.12.2 for the method.

3.6.2 Preliminary Design Review

Preliminary Design Review is required for major subdivisions. The purpose of the Preliminary Design Review is to acquaint the board with the existing conditions, to review and approve the final determination of density, and to receive comment from the public, affected departments and agencies, and the board on the proposal.

For the Preliminary Design Review, the applicant shall submit an application which includes the following:

3.6.2.1 A density report as specified in Section 9.3

3.6.2.2 A proposed subdivision plan

3.6.2.3 A soils report and map as specified in Section 9.6

3.6.2.4 A fire protection proposal

3.6.2.5 A road center line profile and a typical cross section

3.6.2.6 A storm drainage proposal

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3.6.2.7 Draft impact reports

3.6.2.8 Sign-off sheets as specified in Section 9.15

3.6.3 Application for Final Approval

The applicant shall submit an application which meets all the requirements for a major subdivision as presented in ARTICLE 9.

3.7 Inspection of the Site by the Planning Board

3.7.1 Prior to hearing an application for a major subdivision preliminary design review, the Board shall visit the site to observe its characteristics and visualize the layout. The applicant shall contact the Land Use Board Coordinator at the Town Office to schedule a site visit as early as possible before the hearing.

3.7.2 Before the site visit, the applicant shall flag the center line of proposed roads and mark the ribbon with the station number at each point. Lot corners shall be flagged at the road with the lot number indicated on the ribbon. Driveway access shall be flagged for each lot. A different color ribbon shall be used for each type of flag.

3.8 Application for Preliminary Design Review or Final Approval

The application shall be submitted to the Land Use Board Coordinator at the Town Office Building not less than **21 days** before the regularly scheduled meeting of the Board at which the application is to be reviewed.

A complete application shall consist of the following:

- 1) an application form provided by the Planning Board
- 2) a list of abutters (on form)
- 3) a check for the required fees which shall be calculated from the fee schedule provided with the application form
- 4) written authorization from the landowner of record for any agent(s) to represent the owner
- 5) one full size (24" x 36") copy and seven 11" x 17" copies of each plan and eight copies of all the documents required by the application submittal requirements for the type of project. See ARTICLES 7, 8, 9.

Applications which are not complete will not be heard.

The abutter list shall include the following:

- 1) the applicant
- 2) the abutters (see definition section 2.1)
- 3) holders of conservation, preservation, or agricultural preservation

ARTICLE 3- APPLICATION PROCEDURES

- restrictions on the land under consideration
- 4) every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.

The names and addresses of all abutters and landowners shall be selected from the town records not more than five (5) days before the date of filing the application.

When common land abuts the subject land, all persons with an interest in that land must be on the abutter list.

3.9 Notice of Application and Public Hearing

The Board shall notify all the persons on the abutter list by certified mail of the date upon which the application will be formally submitted to the Board and the Board will hold a public hearing to consider the application. Such notice shall give at least ten (10) "clear days" of notice prior to such formal submission. Such notice shall also be given to the general public by publishing the notice in a newspaper of general circulation in the municipality and by posting a copy of the notice in two public places in the Town at the same time that the notice is mailed to the applicant and the abutters. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. Additional notice of an adjourned session of a public hearing is not required if the date, time and place of the adjourned session is made known at the prior hearing. Separate notice is required for preliminary and final hearings. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

3.10 Public Hearing on Application for Final Approval; Time Limits

The Board shall, at the next regular meeting or within 30 days following the delivery of the application for which notice can be given in accordance with the requirements of Section 3.9, determine if a submitted application is complete and shall vote upon its acceptance.

Upon determination by the board that a submitted application is incomplete according to Section 3.8, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. When the applicant is present and consents, the Board shall describe verbally the information, procedure, or other requirement necessary for the application to be complete.

Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days. However, the planning board may apply to the Selectboard for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. Alternatively, the applicant may waive the requirement for planning board action within the time periods specified in this

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section and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectboard shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the Selectboard shall certify on the applicant's application that the plat is approved pursuant to this paragraph. The Selectboard shall not certify approval if within those 40 days the Selectboard have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the Selectboard to issue an order to the planning board under the paragraph above, or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Selectboard or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

ARTICLE 4- INFORMATION FOR DEVELOPERS

4.1 Road Construction

No Subdivision road or road for any other purpose shall begin to be constructed on land where a subdivision will be proposed before an application for subdivision is approved. The cutting of trees shall be construed as evidence of the beginning of road construction. The Board reserves the right to seek a cease and desist order, and to make relocation a condition of approval. See Sections 5.1 and 5.2.

4.2 Familiarization

The subdivider shall familiarize himself with all State and Town regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed subdivision must comply.

4.3 Compliance with These Rules and Regulations

All plans and all procedures relating thereto shall in all respects comply with the provisions of these rules and regulations, unless the Board authorizes a waiver therefrom in specified instances.

4.4 Compliance with Zoning Ordinance and Site Plan Review Regulations

The Board will not approve or modify and approve any plan of a subdivision of land unless all buildings, structures and lots shown on said plan comply with the zoning ordinance of the Town or unless a variance from the terms thereof has been properly granted.

The subdivider is advised to consult the Site Plan Review Regulations which may be applicable to the development project. Concurrent public hearings for subdivision and site plan review may be permitted at the Planning Board's discretion.

4.5 Application of Most Restrictive Regulations

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction, or the higher standard shall govern, to the extent not contrary to state law.

4.6 Adherence of Subdivision to Approved Plans

4.6.1 After the Board's approval of a plat, it will be the subdivider's responsibility to see that construction does not deviate from the approved plat. Any changes to utilities, roads, or structures or other subdivision improvements as approved shall be presented to the Planning Board for approval of the proposed changes. The Planning Board shall determine if the change is minor or major.

ARTICLE 4- INFORMATION FOR DEVELOPERS

4.6.2 Minor changes, by way of illustration, may include, but are not limited to, small changes to the location of roads, utilities, and building foundations due to subsurface conditions encountered during construction or improvement in design such as a lower street grade.

4.6.3 Major changes, by way of illustration, may include, but are not limited to, large changes in the location of roads, utilities and building foundations, downsizing utility lines, increasing road grades, and decreasing curve radii. Major changes shall require the resubmission of the final subdivision and approval by the Planning Board before construction can proceed on the basis of the major changes.

4.6.4 Failure of the subdivider to obtain the Board's review of other than minor changes in the approved plat shall cause the Board of Selectman to issue a "stop work" order on their own motion or at the request of the Planning Board detailing the reasons therefore and such other enforcement measures deemed appropriate and necessary to ensure compliance with these regulations.

A stop work order shall include a provision giving the subdivider ten (10) business days to request in writing a hearing before the Selectboard and the terms and conditions of said stop work order. Said hearing shall occur within ten (10) business days of receipt of said request. Dates of notice and/or hearing shall not be counted in the above time periods. This provision does not alter or amend either party's rights of enforcement or appeal pursuant to RSA 676:15-19.

4.7 Street Acceptance

Final approval of a plat by the Board does not constitute acceptance of the street or streets by the Town of Newbury. Refer to Section 5.5. for the plans and procedure for Street Acceptance.

4.8 Disapproval

In case of disapproval of any application, the grounds for such disapproval shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant certified mail, return receipt requested.

4.9 Appeals

Any person aggrieved by a decision of the Board concerning a plat, or subdivision may appeal therefrom to the Superior Court as provided by RSA 677:15.

4.10 Waiver of Requirements

Upon request of the subdivider, the Board may waive compliance with any part of the Regulations. All requests for waivers and action thereon shall be made in writing by the

ARTICLE 4- INFORMATION FOR DEVELOPERS

applicant with supporting technical documentation to justify the request. The Board may grant the waiver only if it determines:

- 4.10.1 That the request for the waiver arises out of unique physical conditions which exist in the proposed subdivision; and
- 4.10.2 That literal compliance with the Regulations shall cause the subdivider an unnecessary hardship. (An unnecessary hardship is one where there is no public benefit which offsets the private detriment); and
- 4.10.3 That granting the waiver shall not be contrary to the purpose and objective of these Regulations; and
- 4.10.4 That the public good shall not be adversely affected.

ARTICLE 5- DEVELOPER'S RESPONSIBILITIES

- 5.0** In addition to ARTICLE 10, Standards for Subdivision Design, and other requirements specified in these Land Subdivision Control Regulations and the Zoning Ordinance, the developer is responsible for the following;

5.1 Plat Approval

Once a completed final application has been accepted by the Board, then no street, road or utility construction shall be started until the plat has been approved or signed by the Board.

5.2 Permit to Construct a Subdivision Road

Following approval of the Board for the construction of a subdivision road, the Selectboard shall issue a permit under such terms and conditions as it shall determine are appropriate. Such permit shall be enforced by the Selectboard under the same terms and conditions as a Building Permit including the right to issue STOP WORK ORDERS for violations of any of the procedures or requirements of the Planning Board. Refer to Appendix A for the requirements and procedure for construction of a street or road.

5.3 Subdivision As-built Plans

Following completion of all improvements, the subdivider shall submit As-Built Plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions, all underground utilities, road profiles and centerline elevations and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways and road beds.

5.4 Certificate of Performance of Improvements

Upon completion of all the required improvements associated with the subdivision approval, the subdivider may make application to the Board for a Temporary Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies including, but not limited to, the Highway Administrator, the Fire Department, the Sewer Commission, and the N.H. Department of Transportation. The Board shall issue the Temporary Certificate of Performance and release the original security filed with the Board if the Board determines that the following have been met:

5.4.1 All bounds shall be set in place;

5.4.2 As-built plans have been submitted to the Board as required in Section 5.3.

5.4.3 All of the improvements are without material defects which need correction as determined by the Board;

ARTICLE 5- DEVELOPER'S RESPONSIBILITIES

- 5.4.4 The subdivider has submitted security for a period of one year which is acceptable to the Board to cover corrections of defects, omissions or failure of installation of the subdivision improvements to comply with the approved plans. The amount of security shall be determined by the Board and shall be sufficient to cover the costs of any defects, omissions, as well as failures of installation of the subdivision improvements and may include the estimated cost of inflation over the one year period not to exceed 10% per year; and
- 5.4.5 The subdivider has provided the Planning Board with a written acknowledgement of the subdivider's responsibility for maintenance of the road as required in Section 9.15.8 until the Town has legally accepted the road as outlined in Section 5.5.

After the one year waiting period has expired, then the subdivider may make application to the Board for a Final Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies indicating the acceptability of the completed improvements after completion of the one year waiting period. If all the improvements are without material defects which need correction as determined by the Board, then the Board shall issue a Final Certificate of Performance and release the remaining security.

If any of the subdivision improvements are proposed to be turned over to the Town as public improvements with the Town being responsible for maintenance, then the subdivider may apply to the Town for acceptance of these improvements only after the Board has issued a Final Certificate of Performance.

5.5 Street Acceptance Plans

When the subdivider has completed all the improvements required for the subdivision as specified in the approved plans and as stipulated in the Planning Board's vote of subdivision approval and has met all other requirements of these regulations including obtaining a Certificate of Performance from the Planning Board. The subdivider may file with the Selectboard for acceptance of the completed street(s) as public way(s) under the following requirements:

- 5.5.1 As-built Plans: The subdivider shall file with the Selectboard a copy of the approved subdivision as-built plans required under Section 5.3 above.
- 5.5.2 Street Layout Plans: The subdivider shall file with the Selectboard, street layout plans (2 original type mylars and 4 paper prints) of the roadway that clearly shows all details, measurements, distances, drainage easements, rights-of-way, and bounds to the same scale and under the same conditions and requirements as for the subdivision plan for the plat.
- 5.5.3 Deeds and Easements: The subdivider shall file with the Selectboard completed deeds and easements for all property within the subdivision to become public. Such deeds shall be warranted to transfer complete and absolute title to the Town

ARTICLE 5- DEVELOPER'S RESPONSIBILITIES

of Newbury. Such easements shall grant the specified usage and rights in perpetuity. The deeds and/or easements shall include such other reasonable conditions as required by the Selectboard.

- 5.5.4 Other Requirements: The subdivider shall provide all other materials or documents as required by law or the Selectboard to facilitate the maintenance or layout of streets or properties.

ARTICLE 6- ADMINISTRATION

6.1 Professional Review

The Board may require the subdivider to pay the cost of a professional review of various parts or of the whole of the proposed subdivision upon such terms and conditions as the Board deems to be appropriate as provided by RSA 676:4-I(g). The Board shall select the professional(s) which may include, but are not limited to, engineers, surveyors, lawyers, and community planners.

If deemed necessary by the Board, the applicant shall deposit with the Board \$3,000 cash for consultants to the Board. This money shall be placed in an escrow account and dispersed by the Town to the consultants for the Board based on actual costs as detailed on invoices. The applicant shall maintain a minimum balance of \$1,000 in the escrow account during the application review process. If the escrow account for professional review is depleted, then the Planning Board will terminate further consideration of the application until the applicant provides the minimum \$1,000 balance in the escrow account. In any event, the applicant shall reimburse the Town for the total costs for consulting services prior to any final decision by the Board on the application. The applicant shall be reimbursed by the Town after a final decision by the Board if the money deposited in the escrow account exceeds the actual costs by the consultants for the Board.

6.2 Inspection Services

The Planning Board shall require inspection services for all major subdivisions which include street and/or utility line construction or for other subdivisions at the Planning Board's discretion. The cost of the inspection services shall be borne by the subdivider. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside consulting, civil engineering firm of the Planning Board's choice. If the Planning Board determines the need for outside inspection services and requires such as a condition of final plat approval, then prior to the start of construction the subdivider shall establish an account for the inspection services. The subdivider shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "stop work" order by the Selectboard or such other enforcement measures deemed appropriate. Any remaining balance in the account after issuance of a Certificate of Performance of Improvements pursuant to Section 5.4. of these regulations shall be refunded to the subdivider.

The initial deposit in the account shall be determined as follows:

Number of Proposed Lots: ____ X \$50/Lot= \$ ____

Length of Proposed Road: ____ feet X \$1/ft = \$ ____

Initial Account Deposit \$ ____

ARTICLE 6- ADMINISTRATION

6.3 Fees and Notification Costs

RSA 676:4 I(d) provides that “All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant.”, and 676:4 I(g) provides that “Reasonable fees in addition to fees for notice under subparagraph (d) may be imposed by the board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications.”

The Board shall develop fee schedules and publish them by printing them on the application forms. The schedule for each type of project shall consist of two parts: a flat fee that is based on the average administrative expense and the average cost of a newspaper notice, and a fee for each abutter that is based on the cost of mailing notices to abutters and consists of postage, certified mail fee, stationary cost, and average secretarial time per notice.

The application fees so established by the Board shall be paid by the applicant in advance of the public notice and the hearing at which the application will be considered. Failure to pay such fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

Additional fees as outlined in Section 6.1, Professional Review, may be imposed by the Board during the review process to cover fees and costs of professional reviewers of the Board including engineers, surveyors, lawyers, and community planners.

6.4 Signing of the Subdivision Plan

In order for the Planning Board to sign an approved subdivision plan, the subdivider must satisfy all conditions of Planning Board approval, if any, and must comply with one of the three methods detailed below for securing or completing all required improvements:

6.4.1 Construction of Required Improvements and the Signing of the Subdivision Plan:

The subdivider shall construct and install all improvements required by the Planning Board within 36 months from the receipt of the notice of decision by the subdivider from the Planning Board. The subdivider shall present the subdivision plan to be signed after the improvements have been installed and a Temporary Certificate of Performance has been approved by the Planning Board as outlined in Section 5.4. The subdivision plan will be recorded in the Merrimack County Registry of Deeds and the subdivider may then sell and convey lots in the subdivision.

6.4.2 Security and the Signing of the Subdivision Plan: Before the subdivider starts installation or construction of improvements such as streets or roads, water or sewer service facilities, drainage structures or other utilities, the subdivider shall furnish security in an amount and form acceptable to the Board. The purpose of this security will be to provide the funds necessary to install the improvements in

ARTICLE 6- ADMINISTRATION

the subdivision required by the Board in the event the subdivider fails to do so for any reason, including but not limited to insolvency, and/or bankruptcy.

Where security has been furnished as required by the Board, the subdivider shall then present the subdivision plan for signature and recording. Upon the recording of the signed subdivision plan, the subdivider may then sell lots even though the improvements have not yet been constructed.

Where security is furnished, the subdivider must construct and install the improvements within 36 months from the receipt of the notice of decision by the subdivider. The subdivider may request a time extension beyond the 36 months for completion of the improvements and the Planning Board may for good cause shown approve such a request. Alternatively, the subdivider could apply for an annexation to combine the subdivided lots and void the subdivision providing for release of the security for the improvements. If the improvements have not been completed within 36 months and no time extension has been approved by the Planning Board, then the Selectboard shall use the security to complete the improvements.

6.4.3 Covenant restricting lot sales and Signing of the Subdivision Plan: The subdivider shall file with the Planning Board for recording in the Merrimack County Registry of Deeds a covenant restricting the sale of interior lots which use a proposed road for access until either a Temporary Certificate of Performance of Improvements has been approved by the Planning Board or security in an amount and form acceptable to the Planning Board has been furnished. The covenant shall include a statement that a breach of the covenant may result in the refusal of a building permit for construction by the Selectboard. The covenant shall reference the Four Year Exemption clause outlined in Section 6.7 below. The covenant shall indicate that in order to nullify the covenant, the Planning Board must approve and record an instrument that indicates that either:

- 1) Security in the amount and form acceptable to the Planning Board for the then required subdivision improvements has been furnished to and accepted by the Planning Board; or
- 2) The required subdivision improvements have been constructed and a Temporary Certificate of Performance required by Section 5.4. has been approved by the Planning Board.
- 3) Nothing herein shall obligate the Planning Board to approve either the Certificate of Performance of Improvements or the proposed security. In the event that at the time said certificate is requested or security is proposed the Planning Board determines and finds that circumstances in the Town have so changed so that the continued sale of lots in the subdivision results in the need for either off-site improvements, the assessment of impact fees, restrictions on the issuance of building, sewer or water permits or other material and substantial changes have occurred

ARTICLE 6- ADMINISTRATION

in the Town of Newbury since the subdivision was approved in which event the Planning Board shall consider the request for said certificate or approval of security as a new subdivision application. A suggested form for a "Covenant Restricting Lot Sales" is attached as Exhibit D.

6.5 Recording the Subdivision Plan

Within thirty days after the subdivision plan is signed, the Board shall transmit to the Register of Deeds of Merrimack County the original subdivision plan for recording, charging the applicant for the recording fee, copy fees and mailing expenses. The subdivision plan must contain signatures of a majority of the Board and indicate the date of signing. For good cause shown, the time limit for recording may be extended by the Board.

6.6 Distribution of Copies

Four (4) print copies of the recorded subdivision plan returned from the Register of Deeds shall be furnished to the Board with one copy to be retained in the Planning Board file; one copy property record file; one copy Code Enforcement Officer; and one copy applicant.

6.7 Four-year Exemption

Every plat approved or signed by the Board shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by any city or town, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of 4 years after the date of approval, provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements. (RSA 674:39)

ARTICLE 7- ANNEXATIONS, MINOR LOT LINE ADJUSTMENTS, OR BOUNDARY AGREEMENTS - APPLICATION SUBMITTAL REQUIREMENTS

- 7.0** A complete application for Annexations, Minor Lot Line Adjustments, or Boundary Agreements shall consist of the general requirements listed in Section 3.8 and the specific requirements of this section.
- 7.1** An Annexation plat drawn to a scale of one (1) inch equals one hundred (100) feet in permanent black ink on permanent reproducible material on the size and type of material specified by the Merrimack County Register of Deeds to include:
- 7.1.1 Signature and seal by a NH Registered Surveyor or Engineer;
 - 7.1.2 Name of the Town and Annexation;
 - 7.1.3 Names and addresses of property owners;
 - 7.1.4 Names and addresses of all abutters as they appear in the Town records not more than five (5) days before the date of filing the application;
 - 7.1.5 Complete boundary survey of each of the properties involved in the annexation showing the boundary line to be moved as a dashed line and the new boundary line as a solid line;
 - 7.1.6 Include a notation which explains the parcels and sizes as they exist and the parcels and sizes which would result with approval of the annexation;
 - 7.1.7 North point, bar scale, date of preparation, and dates of any revision, and tax map(s) and lot number(s) of property included in annexation application.
 - 7.1.8 Show location of existing or proposed easements and areas affected by existing and proposed covenants, reservations and restrictions benefitting or bordering the property;
 - 7.1.9 Include a notation on the annexation plat stating: "The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one confirmed single lot of record."

ARTICLE 7- ANNEXATIONS, MINOR LOT LINE ADJUSTMENTS, OR BOUNDARY AGREEMENTS - APPLICATION SUBMITTAL REQUIREMENTS

7.1.10 The annexation plat shall include the following title block in the lower right-hand corner:

NAME OF ANNEXATION:

Tax Map #: _____

Tax Lot #: _____

Name of Surveyor
or Engineer:

Name of Owner(s)
of Record:

Address of Surveyor
or Engineer:

Address(es) of Owner(s)
of Record:

Signature and Seal of
Surveyor or Engineer:

Date:

Hearing Date:

Approval Date:

7.1.11 The annexation plat shall include the following signature block in a convenient location:

TOWN OF NEWBURY, N.H. PLANNING BOARD

Signatures of Board:

Chair

7.2 When any property involved in an annexation or a lot line adjustment is encumbered by a third-party financial interest, such as that of a mortgagee or lien holder, that party and any other third party, shall be informed of the transaction and requested to send a letter to the Newbury Planning Board acknowledging their understanding of the transaction.

7.3 Procedures and Submittals following conditional approval by the Planning Board of Annexations and Minor Lot Line Adjustments:

7.3.1 A majority of the Planning Board shall sign the plat following approval and deliver the signed plat to the Land Use Coordinator to hold for recording until the signed deeds and amended financial agreements, if applicable, have been delivered to the Land Use Coordinator.

7.3.2 Within thirty (30) days after the date of Planning Board conditional approval, the applicant shall deliver signed deeds to the Land Use Coordinator ready to be recorded. Additionally, the applicant shall provide the Land Use Coordinator with

ARTICLE 7- ANNEXATIONS, MINOR LOT LINE ADJUSTMENTS, OR BOUNDARY AGREEMENTS - APPLICATION SUBMITTAL REQUIREMENTS

payment for all recording fees associated with filing the plat and the deeds with the Registry of Deeds of Merrimack County.

- 7.3.3 If a financial institution holds a financial interest (e.g. mortgage) or a lien is held by other parties in the lots involved with the Annexations or Minor Lot Line Adjustments, the applicant shall provide a written agreement that the financial institution shall integrate the new lot configurations into the existing financial agreement (e.g. mortgage) within thirty (30) days after the date of Planning Board conditional approval.
- 7.3.4 After receiving the signed deeds, payment of fees and financial institution agreement(s), if applicable, the Land Use Coordinator shall transmit to the Registry the approved plat for recording. After the recorded plat is returned from the Registry, the Land Use Coordinator shall fill in the plat recording information in the signed deeds and transmit the deeds to the Registry for recording.
- 7.3.5 The time limit for the applicant to deliver signed deeds and amended financial agreements, if applicable, to the Land Use Coordinator may be extended one time for thirty (30) days by written notice to the Planning Board.
- 7.3.6 Approved Annexations and Minor Lot Line Adjustments expire if the signed deeds have not been delivered by the applicant within sixty (60) days of the conditional Planning Board approval date.

ARTICLE 8– MINOR SUBDIVISION

APPLICATION SUBMITTAL REQUIREMENTS

- 8.0** A complete application for a Minor Subdivision shall consist of the general requirements listed in Section 3.8 and the specific requirements of this section.
- 8.1** A Density Report as required by Section 9.3.
- 8.2** A Subdivision Plan as required by Section 9.4.
- 8.3** A Topographic Map as required by Section 9.5.
- 8.4** A Soils Report and Map as required by Section 9.6.
- 8.5** Information on subdivisions located within "Special Flood Hazard Areas" as required by Section 9.14 if applicable.
- 8.6** Applicable Agency or Permit Approvals as required by Section 9.18.
- 8.7** The Planning Board may require such additional information to be provided at the applicant's expense as it deems necessary in order to evaluate the subdivision in relation to the purposes and scope of these regulations.

ARTICLE 8– MINOR SUBDIVISION

Table 8.1
Minor Subdivision Application Submittal Requirements

This is a guide only, the applicant is responsible for all requirements in the text.			
Requirement	Conceptual (Recommended)	Preliminary (Optional)	Final (Required)
Application Form (there is one for each type)	✓	✓	✓
Abutter list See Section 3.8		✓	✓
Check for application fees		✓	✓
Written authorization for agent (if needed)		✓	✓
Existing Conditions Sketch See Section 3.6.1	✓		
Density Report See Section 9.3	Estimate	✓	✓
Subdivision Plan See Section 9.4		✓	Mylar
Topographic Map See Section 9.5			✓
Soils Report and Map See Section 9.6			✓
Subdivisions located within "Special Flood Hazard Areas" See Section 9.14			✓
Agency or Permit Approvals See Section 9.18			✓

ARTICLE 9– MAJOR SUBDIVISIONS

APPLICATION SUBMITTAL REQUIREMENTS

- 9.0 Application Requirements:** A complete application for a Major Subdivision shall consist of the general requirements listed in Section 3.8 and the specific requirements of this section.
- 9.1 Design Standards:** Each proposed subdivision shall be designed to the standards set out in ARTICLES 10 through 13. Each proposal will be evaluated in terms of these standards.
- 9.2 Maps and Reports:** All the required maps shall be drawn at a scale of not more than 100 feet per inch; be prepared, signed and sealed by a NH Registered surveyor or engineer; and include the name of the town and subdivision, name and address of subdivider and registered surveyor or engineer. For greater detail, the Planning Board at its discretion may require maps to be drawn at a scale of 50 feet per inch. Required maps and reports shall include the following:
- 9.3 Density Report:** A report of the maximum density calculation shall be submitted which includes the items listed below. Areas shall be surveyed and measured on site. The density report for conceptual consultation may use estimated areas.
- 1) A site analysis map which delineates steep slopes, 100 year flood plains, wetlands, surface waters, and deer wintering areas. A wildlife biologist shall delineate deer wintering areas. These areas may be shown on separate sheets.
 - 2) Area of the parcel
 - 3) Area of slopes 25% or greater
 - 4) Area of 100 year flood plains
 - 5) Area of wetlands and surface waters
 - 6) Area of deer wintering areas
 - 7) Developable area and the calculation used to determine it
 - 8) Density adjustment factors
 - 9) Maximum density and the calculation used to determine it
- 9.4 Subdivision Plan** (to be recorded if approved): The subdivision plan shall show the following information and conform to the following specifications:
- 9.4.1 Be drawn on a material and in a manner specified by RSA 478:1-a (as amended 2005 and later). In case of any conflict between the RSA and these regulations, the RSA shall take precedence.
 - 9.4.2 Show complete boundaries of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, referenced to a public street

ARTICLE 9– MAJOR SUBDIVISIONS

intersection or USGS bench mark, and tax map(s) and lot number(s) of property included in the subdivision application.

- 9.4.3 Show existing and proposed street right-of-way lines or center lines for private roads, dimensions arc lengths and radii; have points of curvature and tangency of curved streets; bearings of lot lines; have names of existing and proposed streets; and width of adjacent streets, pavement and right-of-way.
- 9.4.4 Show existing and proposed lot lines, bearings and dimensions, lot sizes in square feet or acres, consecutive numbering of lots, monuments at lot corners. Show or note building setback lines as required by the Zoning Ordinance. Show the size, shape, and location of the Building Envelope required in paragraph 5.10 of the Zoning Ordinance. Indicate the envelope boundary by shading the interior side of the lines.
- 9.4.5 Show location of existing and proposed easements and areas affected by existing and proposed covenants, reservations and restrictions, benefitting or burdening the property.
- 9.4.6 Show location of existing or proposed parks and other open space, and significant natural and manmade features.
- 9.4.7 Show location and type of all proposed and existing survey monuments.
- 9.4.8 Show all Zoning district boundary lines.
- 9.4.9 Show location of driveway access to each lot.
- 9.4.10 Show names and addresses of all abutters as they appear in the town records not more than five (5) days before the date of filing the application.
- 9.4.11 Show a general site location map locating the subdivision boundary and proposed streets in relation to major roads or other features shown on the town map.
- 9.4.12 Show subdivisions, lot lines, existing buildings, and intersecting streets and driveways within 200 feet of the parcel to be subdivided.
- 9.4.13 The subdivision plan shall include the following title block in the lower right-hand corner:

NAME OF SUBDIVISION

Tax Map #: Tax Lot #:

Name of Owner of Record

Address of Owner

ARTICLE 9– MAJOR SUBDIVISIONS

Name of Surveyor
or Engineer

Address of Surveyor
or Engineer

Date of drawing

Scale

9.4.14 In a convenient location, the subdivision plan shall include a north arrow, a graphic scale, a revision block, a block showing permit and approval numbers, and the signature and seal of the surveyor or engineer.

9.4.15 the subdivision plan shall include the following signature block in a convenient location:

Approval Date: _____

TOWN OF NEWBURY, N.H. PLANNING BOARD

Signatures of Board:

Chair

9.5 Topographic Map: The Topographic Map shall show existing topography and proposed changes in topography. All steep slopes (See definition in ARTICLE 2) shall be delineated. In addition, the map shall show existing structures and all man-made features that appear to be more than fifty years old.

Contours of existing grade shall be shown at intervals of:

- o 5 feet when the slope of the topography is 15% or more;
- o 2 feet when the slope of the topography is between 1% and 15%; and
- o Spot elevations when the slope is less than 1%.

All low points, high points and other areas needing spot elevations shall be shown. Contour lines shall extend a minimum of one hundred (100) feet beyond the subdivision boundary.

Contour lines are to be actual and not interpolations of USGS maps. The Planning Board at its discretion may permit interpolations of USGS maps for instances where the

ARTICLE 9– MAJOR SUBDIVISIONS

remainder of a subdivision tract encompasses a large area where accurate contour mapping is not critical. Existing contours shall be shown as dashed lines and proposed contours shall be shown as solid lines.

- 9.6 Soils Report and Map:** The Soils Map shall show the location of all percolation test sites, soil test pits and borings, and soil mapping units and boundaries as mapped by the Soil Conservation Service. A legend on the Soils Map shall identify soil mapping unit symbols and soil names. Also, to be shown on the Soils Map are the results of all soil tests including dates, locations by reference to soil map, percolation rates, soil profile with depth to ledge, clay, hard pan and existing and seasonal high-water table.

In addition to the Soils Map, the subdivider shall submit a Soils Report prepared by a Soils Scientist or an engineer which provides an analysis of the suitability of the soils for the proposed development.

- 9.7 Utilities and Fire Protection Plan Map:** This map shall show the location and details of all existing and proposed utilities including lines and associated facilities for water, sewer, telephone, electric, gas, and cable as well as the location of existing or proposed wells and on-site sewage disposal systems, including the 4,000 square foot area required by the State Water Supply and Pollution Control Division of the Department of Environmental Services for on-site waste disposal. This map shall show the fire protection measures to be provided to include fire hydrants (active or dry), fire ponds or on-site water supply tanks. In addition to this map, the applicant shall submit the covenant relating to the release of the Town of Newbury from furnishing any public fire protection facilities in the proposed subdivision of land as outlined in Exhibit B3.

9.8 Road Profiles, Cross Sections and Details:

- 9.8.1 Profiles shall be provided of all proposed streets showing existing and proposed elevations along the center lines and proposed grades. Profiles shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal scale and one (1) inch equals five (5) feet vertical scale.
- 9.8.2 Cross-sections shall be provided of all proposed streets at fifty (50) foot stations and at all catch basins, bridges, or culverts. Cross-sections shall be drawn to a convenient scale of not more than one (1) inch equals ten (10) feet with both horizontal and vertical scales being the same.
- 9.8.3 Construction details of all roadway, guardrail, bridge, culvert head-wall, curbing and sidewalk improvements shall be shown.

9.9 Erosion and Sediment Control Report and Plan:

- 9.9.1 A soil erosion and sediment control report and plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water runoff from the proposed site, based on the best available technology. The principles, methods and practices outlined in the Stormwater Management and Erosion and Sediment Control

ARTICLE 9– MAJOR SUBDIVISIONS

Handbook for Urban and Developing Areas in New Hampshire (1992), prepared by the Rockingham County Conservation District (RCCD), for the N.H. Department of Environmental Services (NHDES) in cooperation with the USDA Natural Resources Conservation Service as amended shall be used to prepare an Erosion and Sediment Control Plan. Alternative principles, methods and practices may be used with prior approval of the Planning Board.

9.9.2 Said report shall contain, but not be limited to:

- 1) A narrative describing:
 - a) the development;
 - b) the scheduling for grading and construction activities including:
 - o start and completion dates;
 - o sequence of grading and construction activities;
 - o sequence for installation and/or application of soil erosion and sediment control measures;
 - o sequence for final stabilization of the project site.
 - c) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - d) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - e) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - f) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 2) A site plan map at a sufficient scale to clearly show:
 - a) The location of the proposed development and adjacent properties;
 - b) The existing and proposed final topography including soil types, wetlands, watercourses, water bodies and the extent of the 100 year flood plain boundaries;
 - c) The existing structures on the site of the project, if any;
 - d) The proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines, and the general location of proposed structures and driveways, earth stockpiles, equipment storage area, and stump disposal area(s).
 - e) The location of the design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f) The sequence of grading and construction activities;
 - g) The sequence for installation and/or application soil erosion and sediment control measures.
 - h) The sequence for final stabilization of the development site.

Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

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9.10 Drainage Plan Map: This map shall show all surface water on and within two hundred (200) feet of the subdivision including rivers, streams, intermittent streams, lakes, ponds, marshes, and wetlands. This map shall show all flood hazard areas designated by the Federal Emergency Management Agency on its Flood Insurance Rate Map for the Town of Newbury, dated April 2, 1986. This map shall detail all existing and proposed drainage facilities on and within two hundred (200) feet of the subdivision to include all drainage ditches, drainage swales, storm drainage lines, and all drainage structures. This plan shall show the final identification, location, elevation, grades, profiles and contours at two (2) foot intervals for the existing and proposed drainage ways and structures. Spot elevations shall be shown if the slope of the topography is less than 1%.

9.11 Drainage and Hydrology Report: A Drainage and Hydrology Report prepared by an engineer shall be submitted which includes the following:

9.11.1 Identification of the complete watershed area within which the subdivision is located with boundaries marked on the applicable USGS topographic maps.

9.11.2 Computation of the rate of runoff before and after completion of the subdivision for a ten (10) year and twenty-five (25) year storm.

The method for calculating the rainfall runoff shall be one approved for the application by the New Hampshire Department of Transportation, "Drainage Manual", the Natural Resources Conservation Service (NRCS) method (24 hour storm) or by other methods approved by the Board.

9.11.3 Computation of storm water drainage capacity based on the estimated rate of runoff for a ten (10) year and, twenty-five (25) year, and fifty (50) year storm for bridges following completion of all phases of the subdivision including impact on downstream drainage structures.

All drainage design calculations shall be presented in the report in an orderly manner. This report shall include referenced Exhibits, USGS maps, plan sheets etc., used in determining rainfall runoff drainage areas. Drainage pipe sizing catch basin grate capacity, open channel (ditch design), and stone for erosion control calculations shall be included in the report.

9.12 Infrastructure Impact Report: Applicants of all major subdivisions shall submit a written assessment of the impact of their proposed subdivision upon:

- o Water Service
- o Sewer Service
- o Schools
- o Fire Protection Service
- o Parks and Recreational Facilities
- o Streets and Access including safety on and off-site
- o Police Protection Service
- o Solid Waste Disposal Service

The Impact Assessment shall demonstrate to the Board that the proposed subdivision is

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not scattered and premature such that it would involve danger or injury to health, safety, or general welfare by reason of lack of water supply, drainage, transportation, school, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

The impact assessment shall include an assessment of the impacts of the proposed or potential development of all contiguous land owned by the applicant which might constitute future phases of development.

The Planning Board may require the subdivider to pay the cost of professional review of the subdivider's impact study as provided by these regulations and RSA 676:4, I.(g).

9.13 Environmental Impact Report: Applicants of all major subdivisions shall submit a written assessment of the impact of their proposed subdivision upon:

- o The Scenic Views of Newbury and surrounding towns
- o Neighboring Conservation and Open Space Land
- o Historic and Cultural Resources

9.14 Subdivisions located within "Special Flood Hazard Areas": The subdivider of any proposed subdivision which includes land which has been designated as a "Special Flood Hazard Area" by the National Flood Insurance Program shall provide the following:

- 9.14.1 The subdivider shall submit all necessary permits from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 9.14.2 The subdivider of any subdivision proposal greater than 50 lots or 5 acres, whichever is the lesser, shall submit base flood elevation data.
- 9.14.3 The subdivider shall submit sufficient evidence such as construction drawings, grading and land treatment plans in order for the Board to determine that:
 - 1) All such proposals are consistent with the need to minimize flood damage;
 - 2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - 3) Adequate drainage is provided so as to reduce exposure to flood hazards.

9.15 Sign-off Sheet: A copy of the application and related materials, together with a Sign-off Sheet supplied by the Board, shall be provided by the applicant to each of the entities below for their review and comment. An authorized signature, indicating review, shall be obtained from each entity. Sign-off Sheets shall be submitted to the Planning Board at or before the public hearing on acceptance of the application.

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1. Newbury Selectboard
2. Newbury Police Department
3. Newbury Fire Department
4. Newbury Highway Department
5. Newbury Conservation Commission
6. Any Other as required by the Planning Board.

9.16 Legal Documents Required: Where applicable to a specific subdivision, the following legal documents shall be submitted with the final subdivision application and approved by Town Counsel prior to signing the final plat:

9.16.1 Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;

9.16.2 Easements and right-of-way over property to remain in private ownership;

9.16.3 Rights to drain onto or across other property, whether public or private, including a street. If the storm water drainage system may create additional flow or change water flow over any adjacent property, which in the Planning Board's opinion would substantially interfere with the reasonable use of that property, then the subdivider shall obtain an agreement to provide an easement therefor from the adjacent and/or nearby owner. The subdivider shall submit a written undertaking to hold the town harmless from any claims for damage resulting therefrom.

9.16.4 Covenants (if applicable) - Relating to release of Town of Newbury from furnishing certain facilities (Exhibits B1, B2 and B3).

9.16.5 Security and/or performance bond:

1) Amount: The amount of security shall be determined by the Board and shall be sufficient to cover the costs of the improvements and estimated fees for inspections of the improvements by Town Agents or their representatives and the estimated cost of inflation over the projected term of the security not to exceed 10% per year.

The subdivider must file with the Board a registered engineer's detailed estimate of the costs of the improvements together with maps, plans and supporting data. The Board may require additional estimates of the costs of the improvements from such sources as a second engineer or contractor chosen by the Board in determining the amount of security required. The cost of the additional estimates shall be borne by the subdivider.

2) Form: Where not specified in these regulations, the form of the security shall be determined by the Board. An acceptable form of security is a letter of credit from a bank. The Board will not accept mortgages or escrow accounts from each lot sale as security.

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Where a surety bond is required, it shall be issued by a Surety Company authorized to do business in the State of New Hampshire and shall be approved as to form and sureties by the Town counsel.

3) Release of Security: The Planning Board shall release any security after satisfactory completion of all improvements and after approval by the Planning Board of a Temporary Certificate of Performance as provided in Section 5.4.

- 9.16.6 Covenant Restricting Lot Sales - Required if the subdivider chooses this method for the Planning Board to sign the plat as outlined in Section 6.4. A suggested form for a 'Covenant Restricting Lot Sales' is attached as Exhibit D.
- 9.16.7 Indemnification - In event of damage to Town property or facilities, incurred by or from work performed by or for the developer, the developer shall indemnify, defend and hold harmless the Newbury Highway Department for subsequent maintenance of damaged pavement, shoulders, catch basins, culverts, storm sewers and any additional costs.
- 9.16.8 Maintenance Until Acceptance - The subdivider shall provide the Board a written acknowledgment of the subdivider's responsibility for maintenance of easement areas and the assumption by him/her of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town as outlined in Section 5.5.
- 9.16.9 Maintenance of Private Roads or Other Subdivision Improvements - If roads, open space, recreational facilities, fire protection facilities or other subdivision improvements are proposed to be privately owned and maintained, then the applicant shall provide the Planning Board with all agreements, deed restrictions and organizational provisions for a homeowner's association or other entity responsible for on-going maintenance.
- 9.16.10 Utility Easements - If the utility easements are not depicted on the subdivision plan to be recorded, then the applicant shall furnish written utility easements which include a description of the area encompassed by the easements.

9.17 Other Legal Documents Required: Where applicable to a specific subdivision, copies of the following legal documents shall be submitted with the final subdivision application:

- o Deed restrictions
- o Covenants
- o Homeowner association documents
- o Other agreements between the developer and lot owners

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9.18 Agency or Permit Approvals:

9.18.1 The following applicable permits shall be obtained and submitted with the application for final subdivision approval:

- 1) A Site-Specific approval (RSA 485-A:17) from the N.H. Department of Environmental Services, Water Supply and Pollution Control Division for land disturbance in excess of 100,000 square feet in area or when project borders a body of water; and
- 2) A Dredge and Fill Permit from the N.H. Wetlands Board and approval by the US Army Corps of Engineers if deemed necessary by the N.H. Wetlands Board.

9.18.2 The following applicable permits shall be obtained and submitted prior to signing and recording the subdivision plat:

- 1) An Access Permit from the N.H. Department of Transportation or from the Highway Administrator.
- 2) Approval of Water Supply Systems and/or Subdivision Approval for On-Site Sewage Disposal from the N.H. Department of Environmental Services, Water Supply and Pollution Control Division.

9.19 Additional Information: The Planning Board may require such additional information to be provided at the applicant's expense as it deems necessary in order to evaluate the subdivision in relation to the purposes and scope of these regulations.

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Table 9.1
Major Subdivision Application Submittal Requirements

This is a guide only; the applicant is responsible for all requirements in the text.

Requirement	Conceptual (Recommended)	Preliminary (Required)	Final (Required)
Application Form (there is one for each type)	✓	✓	✓
Abutter list See Section 3.8		✓	✓
Check for application fees		✓	✓
Written authorization for agent (if needed)		✓	✓
Existing Conditions Sketch See Section 3.6.1	✓		
Density Report See Section 9.3	Estimate	✓	✓
Subdivision Plan See Section 9.4		✓	Mylar
Topographic Map See Section 9.5		✓	✓
Soils Report and Map See Section 9.6			✓
Utilities and Fire Protection Plan Map 9.7		✓	✓
Road Profiles, Cross Sections and Details 9.8		✓	✓
Erosion Control Report and Plan 9.9			✓
Drainage Plan Map See Section 9.10		✓	✓
Drainage and Hydrology Report 9.11		✓	✓
Infrastructure Impact Report See Section 9.12		✓	✓
Environmental Impact Report See Section 9.13		✓	✓
Subdivisions located within "Special Flood Hazard Areas" See Section 9.14			✓
Sign-off Sheet See Section 9.15		✓	✓
Legal Documents See Section 9.16 - 9.17			✓
Agency or Permit Approvals See Section 9.18			✓

ARTICLE 10– STANDARDS FOR SUBDIVISION DESIGN

10.0 Subdivisions shall be designed and configured to reinforce the town’s rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape. All subdivisions shall conform to the following Standards for Subdivision Design unless waived by the Planning Board:

10.1 Best Use of Land: The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community and the best use of the land being subdivided. The Board will give particular attention to the following items within the proposed subdivision as well as how they may affect existing and potential adjoining land use:

- o Width, arrangement and location of streets
- o Sanitation
- o Drainage systems
- o Sizes and arrangement of lots
- o Open space, and parks
- o Retention of major site features.

Adequate street connections will be required whenever feasible to ensure access to adjoining subdivisions and lands.

10.2 Protection of Fragile Features, and Natural and Cultural Resources:

10.2.1 Establishment of Building Envelopes. Building envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of the building envelope shall at minimum be determined by the requirements of Section 5.10 of the Zoning Ordinance unless otherwise specified in these regulations. The Planning Board may require the identification of specific building footprints if, in their judgement, such information is required to meet the standards set forth in these regulations. Where the Planning Board deems it appropriate to do so for the purposes of this Section 10.2, the Planning Board may consider features of immediately adjacent properties that are relevant to the Planning Board’s evaluation of the proposed building envelope.

10.2.2 Suitability of Land for Subdivision. All land to be subdivided shall be, in the judgement of the Planning Board, of such a character that it can be used for the intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, all applications for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identifies the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

10.2.3 Protection of Wetlands, Flood plains and Surface Waters. Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid any adverse impact to wetlands, flood plains and surface waters,

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including streams, rivers and all shoreline as defined by Articles 7 through 10 of the Newbury Zoning Ordinance. Methods for avoiding such impacts include but may not be limited to the following:

- 10.2.3.1 Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure permanent protection.
 - 10.2.3.2 Building envelopes and the layout of roads, driveways and utilities shall be located and sized to exclude these features, except as provided under subsection 10.2.3.3, below.
 - 10.2.3.3 Shoreline, riparian areas and wetlands, and adjacent buffer lands, should be designated as open space.
- 10.2.4 Protection of Steep Slopes, Prominent Knolls and Ridge Lines. Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on prominent knolls and ridge lines. Methods for avoiding such adverse impacts include but may not be limited to the following:
- 10.2.4.1 Excavation, filling and development on slopes in excess of 25% is prohibited.
 - 10.2.4.2 On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.
 - 10.2.4.3 On ridge lines and prominent knolls that have been cleared prior to subdivision, the Board shall consider the location of building envelopes and associated development relative to the location of buildings on surrounding properties. The location of building envelopes, and associated development, may be restricted to minimize visibility as viewed from public roads and other properties.

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- 10.2.4.4 Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents and avoid areas of steep slope.
- 10.2.4.5 Land characterized by steep slopes, prominent knolls and ridge lines should be designated as open space.
- 10.2.5 Protection of Deer Wintering Areas. Subdivision boundaries, lot layout and building envelopes shall be located and configured to minimize adverse impacts on deer wintering areas. Methods for avoiding such adverse impacts include but may not be limited to the following:
 - 10.2.5.1 Building envelopes shall be located to exclude identified deer wintering areas.
 - 10.2.5.2 Roads, driveways and utilities shall be designed to avoid identified deer wintering areas.
 - 10.2.5.3 Identified deer wintering areas should be designated as open space.
- 10.2.6 Protection of Historic & Cultural Resources. Subdivision boundaries, lot layout and building envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:
 - 10.2.6.1 Historic features, including stone walls, cellar holes, and other stone structures should be preserved and integrated into the subdivision design to the extent practical. For example, driveways, roads, and lot lines should follow stone walls and avoid crossing them. Cellar holes and other historical artifacts may be protected by restrictive covenants or inclusion in the open space. Deed covenants shall prohibit the removal of stone walls.
 - 10.2.6.2 Prior to development on sites that have been identified as being archaeologically sensitive through site investigation, the Planning Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
 - 10.2.6.3 The lot configuration and placement of building envelopes shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic resources.
- 10.2.7 Protection of Working Farm Land. Subdivision boundaries, lot layout and

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building envelopes shall be located and configured to avoid adverse impacts to crop land and other open farm fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

- 10.2.7.1 Building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land impacts on existing farm operations, and disruption to the scenic qualities of the site.
- 10.2.7.2 Buildings and associated building lots should be clustered to avoid the fragmentation of productive farm land.
- 10.2.7.3 Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
- 10.2.7.4 Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.
- 10.2.7.5 Intact parcels of productive farmland shall be designated as open space. Conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.
- 10.2.8 Protection of Forest Resources. Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to productive forest land, including large tracts of forest (50+ acres), forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives. Methods for avoiding such adverse impacts include but may not be limited to the following:
 - 10.2.8.1 The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and building envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provision for forest management access should be a consideration of the final plan.
- 10.2.9 Protection of Scenic Resources. Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to scenic resources identified in the Newbury Master Plan. Methods for avoiding such adverse impacts include but may not be limited to the following:
 - 10.2.9.1 Subdivisions within view of scenic roads shall be designed to avoid adverse impact to the identified scenic resources.
- 10.2.10 Modifications for Cluster Development. Notwithstanding the requirements of

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this section, the Planning Board may waive or modify one or more of these standards within a cluster development, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

10.3 Utilities:

10.3.1 Location. All utilities, existing and proposed, throughout the subdivision shall be shown on the map required in Section 9.9, and be located as follows:

10.3.1.1 All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Planning Board due to site conditions.

10.3.1.2 The applicant shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.

10.3.1.3 Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farm land or forest land, and any adverse impacts to natural, cultural or scenic resources and public health.

10.3.2 Easements. Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

10.4 Premature Subdivision Development: Scattered or premature subdivision of land as would involve danger or injury to health, safety, or general welfare by reason of lack of water supply, drainage, adequate roads, transportation, school, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

10.5 Lot Layout: The following standards shall govern the layout of lots:

10.5.1 All lots shall conform with the minimum area, placement of building envelope, road frontage, lake frontage if on an island and all other requirements of the Newbury Zoning Ordinance.

10.5.2 In order to avoid odd shaped lots, and to ensure adequate space near the road for the construction of a dwelling unit, each lot shall have a Form Factor of less than 25. (See definition in Article 2.) Lots with either frontage greater than 300 feet or area greater than ten acres are exempt from this requirement.

10.5.3 To ensure adequate development space, building envelopes shall have a Form

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Factor of less than 25. (See definition in Article 2.)

- 10.5.4 All lots shall abut on a Class V or better highway, or a street shown on an approved subdivision plan, built in conformity with these regulations. If a lot is on an island, it shall abut on a lake or pond.
- 10.5.5 Access to the dwelling unit shall be from the street or road where the frontage was measured.

10.6 Dedication of Open Space and Common Land:

- 10.6.1 Intent. Subdivisions shall be designed to preserve open space areas and common land for parks, recreation and transportation paths, viewshed and historic site protection and/or to preserve farm and forest land and fragile features as defined under Section 10.2.
- 10.6.2 Preservation of Open Space. Provision shall be made for recreation land and open space lands for the following purposes or functions:
- o Recreation uses;
 - o Protect riparian buffers along water features;
 - o Protect deer wintering areas;
 - o Protect wetland resources;
 - o Protect surface water features;
 - o Protect steep slopes;
 - o Provide for flood control & flood water storage areas; and/or
 - o Provide natural areas for implementation of low impact stormwater management

The Planning Board may waive this requirement if it determines that the subdivided parcel does not contain features described in Section 10.2 which merit protection as open space, or the Board determines that the applicant has made other provision for the protection of such features through deed and covenant restrictions. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Planning Board, in accordance with the following:

- 10.6.2.1 Open space designated for protection may include the portion of a single lot outside of the building envelope or may encompass portions of multiple lots. Alternatively, the open space may be included in a single lot to be held in common.
- 10.6.2.2 The location, shape, size and character of the open space shall be suitable for its context and intended use. In designating open space and/or common land, applicants and the Planning Board shall consider the recommended protection strategies for various natural and cultural features identified in Section 10.2 in determining the appropriate features to designate as either open space or common land.

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- 10.6.2.3 Provision shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for farmland, forest, wildlife habitat, shorelines and associated buffers may be required by the Planning Board as appropriate to ensure their long-term protection and management.
- 10.6.2.4 Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land and retains their eligibility for available tax abatement programs.
- 10.6.2.5 Open space land shall be located so as to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
- 10.6.2.6 Open space land shall be designated to provide for parks suitably located and of reasonable size for neighborhood playgrounds and recreational uses. Such open space may overlap other designated open space if the recreational use does not impact the protective use.
- 10.6.2.7 Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Board, that they will in no way disrupt or detract from the values for which the open space is to be protected. Stormwater management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

10.6.3 Creation of Common Land. Common land may be created for

- o the preservation and maintenance of open space
- o the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies
- o recreation facilities, including trails rights-of-way,

Land held in common may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

- 10.6.3.1 The Planning Board may require that land offered by an applicant as protected open space be dedicated, either in fee or through a conservation easement approved by the Planning Board. The prospective grantees to whom the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a nonprofit land conservation organization, or the Town of Newbury. At a

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minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

10.6.3.2 The applicant may pay the Town a sum of money equivalent to the value of the required recreational land in cases where the Board determines that due to the size, topography or location of the subdivision, land for park, playground, other recreational purposes, cannot be properly located therein. This cash payment shall be used by the Town for either land acquisition or development of public land for recreational purposes so long as it can be shown that the projects funded will benefit the residents of the subdivision contributing the funds.

10.6.3.3 The Board may approve a combination of the two previous methods in making provision for open space and recreation lands and facilities.

10.7 Prohibition Against Reserve Strips: No privately owned reserve strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

10.8 Sewer System Improvements: The sewer system within a subdivision proposed to be served by the Newbury Sewer Commission shall meet the standards and specifications required by the Sewer Commission.

10.9 Fire Protection: The following fire protection standards shall be observed to provide protection for life and property for all major subdivisions:

10.9.1 A water supply for firefighting purposes shall be available to serve the subdivision. A minimum of ten thousand (10,000) gallons of usable water available all seasons of the year shall be provided in a tank, reservoir, pond or cistern.

10.9.2 This water supply must be connected to a dry hydrant system designed and constructed in accordance with the specifications of the Newbury Fire Department. The dry hydrant must be accessible from a pull-off or turn-out at the edge of the roadway.

10.9.3 When questions arise not covered by this section, the National Fire Protection Association 1231 - Standard on Water Supplies for Suburban and Rural Fire Fighting will be used to determine the required fire protection.

ARTICLE 10– STANDARDS FOR SUBDIVISION DESIGN

10.10 Bounds:

- 10.10.1 Locations: Permanent survey monuments shall be set in the boundary of all property corners and of rights-of-way at intersection of streets, and others as determined by the Board; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Adjacent monuments shall be in sight of one another by a standing person. Monuments shall be placed on both sides of any street. For partial development of large tracts, the Planning Board at its sole discretion may approve alternative plans for survey monuments.
- 10.10.2 Monuments: Monuments shall be stone, concrete, or other material acceptable to the Board, and not less than 4 inches in diameter or square, and not less than 42 inches long. Concrete monuments shall be reinforced with steel rods. A plug, brass plate, or pin shall serve as a point of reference and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery. The monuments shall protrude at least 6 inches above the natural ground surface. Alternatively, when stone or concrete monuments are not feasible, the monument shall be an iron or metallic three-quarter inch cylindrical rod fitted with a metallic disk or tag including the surveyor's name or license number. Other proposed monuments may be considered and accepted by the Board when conditions warrant.

10.11 Driveways: The applicant shall demonstrate to the satisfaction of the Planning Board that a driveway can safely be provided for each proposed lot particularly when steep topography is encountered.

10.12 Subdivisions Located Within "Special Flood Hazard Areas": For any subdivision located within an area designated as a "Special Flood Hazard Area", the Board shall determine based on sufficient evidence such as construction drawings, grading and land treatment plans submitted by the subdivider that:

- 10.12.1. All such proposals are consistent with the need to minimize flood damage,
- 10.12.2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
- 10.12.3. Adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE 11- STANDARDS FOR SEDIMENT AND EROSION CONTROL DESIGN

- 11.0** Sediment and erosion control plans shall be designed using the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire prepared by the USDA - Soil Conservation Service. The following standards shall be observed by the subdivider in the design, layout and engineering of the subdivision:
- 11.1** Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize on-site and prevent all off-site soil erosion.
- 11.2** Whenever practical, natural vegetation shall be retained, protected and supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- 11.3** The disturbed area shall be kept to a minimum, and the duration of exposure shall be less than a maximum of six months. Disturbed areas remaining idle for more than thirty days shall be stabilized.
- 11.4** Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.
- 11.5** The subdivider shall make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- 11.6** The subdivider shall make reasonable effort to trap sediment in the runoff water until the disturbed area is stabilized by the use of sediment basins or other acceptable methods. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
- 11.7** Diversions, sediment basins, and other erosion control mechanisms, shall be constructed by the subdivider prior to any on-site grading or disturbance of existing surface material. If straw or hay bales must be used, limit each row to intercepting no more than one half (½) acre of runoff area.
- 11.8** Should there be an alteration of the terrain bordering surface waters of the State or disturbance of over 100,000 square feet of area, a permit from the Water Supply and Pollution Control Commission is required under RSA 485-A:17.
- 11.9** All graded areas shall be seeded with conservation mix (USDA approval) at the rate of 60 lbs. per acre.
- 11.10** All seeded areas shall be fertilized. The fertilizer shall have an analysis of 5-10-10 and be applied at the rate of 3 lbs. per 100 square feet.
- 11.11** All seeded areas shall be mulched within 24 hours after seeding. A good quality of mulch hay should be used and applied at the rate of 2 tons per acre.

ARTICLE 11- STANDARDS FOR SEDIMENT AND EROSION CONTROL DESIGN

- 11.12** Appropriate control measures shall be installed prior to removal of vegetation.
- 11.13** Off-site surface water and runoff from disturbed areas shall be carried through the project area in a way that prevents erosion or diverted away from disturbed areas where feasible.
- 11.14** Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area.
- 11.15** All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from removal of temporary measures shall be permanently stabilized within thirty (30) days.
- 11.16** Site development shall not begin before the erosion and sediment control plan is approved by the Board.
- 11.17** Erosion and sediment control measures shall be installed as scheduled in the approved plan.
- 11.18** The subdivider shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent property owners on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. the cost of such work shall be borne by the owner.

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

12.0 The following design criteria shall apply to proposed drainage systems:

12.1 Off Site Drainage Considerations

In the course of designing the on-site drainage systems, the subdivider shall ensure that there is no net increase in runoff to off-site areas. If increased runoff is not preventable, the subdivider shall obtain an easement in the impacted areas and make drainage improvements there to contain the increased runoff. The easement document shall contain a section holding the Town of Newbury harmless for any claims for damage in the easement area and in any down-slope areas potentially impacted.

12.2 Storm Frequency Design Requirements

- 12.2.1 Cross culvert pipes - 25 year storm frequency; check impacts for 50 year storm;
- 12.2.2 Closed drain system - 10 year storm frequency; check impacts at sag points for a 25 year storm;
- 12.2.3 Storm water detention facilities - 25 year storm frequency; check impacts for 50 year storm;
- 12.2.4 Storm water retention facilities - 25 year storm frequency; check impacts for 50 year storm.
- 12.2.5 Box culverts and bridges - 50 year storm frequency; check impacts for 100 year storm.

Note: The Board reserves the right to require that storm drain systems be designed for less frequent, more intense rainfalls where conditions warrant.

12.3 Culvert Design

- 12.3.1 All computations for culvert pipes shall be documented and included in the drainage report. These shall be performed under the supervision of an engineer. The engineer shall stamp and sign the drainage report.
- 12.3.2 All available records concerning rainfall and floods shall be used in the design of culverts and storm sewers.
- 12.3.3 Pipe culverts will be designed as open flow channels. They will either be under inlet or outlet control. The exact control can be found by following the procedure outlined in "Hydraulic Charts for the Selection of Highway Culverts", published by Bureau of Public Roads as H.E.C. No. 5. This material can also be found in the NH DOT, DRAINAGE MANUAL.
- 12.3.4 Minimum pipe culvert sizes are as follows:

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

- * Roadways - 15"
- * Drives - 12"

- 12.3.5 Pipe culverts with a span of 10 feet or more will be considered as bridges.
- 12.3.6 It is preferred that culverts be located to fit natural channels in lines and grade.
- 12.3.7 The minimum grade of culverts shall be 0.4% or able to maintain a velocity of 2 fps while flowing one-third full.
- 12.3.8 Collars will be designed for culverts whose grade exceeds 20%; erosion control should be considered on all culverts.
- 12.3.9 When the computed outlet velocity is in the range beyond normal design of 10 fps additional outlet protection shall be considered.
- 12.3.10 The maximum headwater depth of flow immediately upstream from a pipe culvert shall be controlled by the following:
- * Damage to adjacent property;
 - * Damage to culvert and the roadway;
 - * Traffic interruption;
 - * Hazard to human life; and,
 - * Damage to stream & flood plain environment.

As a guide, the following table may be used under "normal conditions":

<u>PIPE SIZE</u>	<u>MAXIMUM ALLOWABLE HEADWATER</u>
12" - 30"	2 times pipe diameter
36" - 48"	1 ½ times pipe diameter
54" - up	1 times pipe diameter

- 12.3.11 Minimum cover for culverts, measured between the pipe crown and finished grade, shall be as follows:
- * Paved and Unpaved Roads - 3' for all type of pipe material
 - * Under Drives - 1' for all type of pipe material
 - * Under Grassed - 2' for all type of pipe material

Acceptable pipe material for road culverts is reinforced concrete. Acceptable pipe material under drives include reinforced concrete; corrugated, galvanized steel; or corrugated aluminum.

- 12.3.13 All culverts shall be constructed with end sections, headers, or stone slope paving as specified below. End sections shall be permitted on all pipes less

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

than 48" diameter, except 24" diameter where there is an active stream. Stone slope paving or riprap shall be permitted at culvert ends for pipes up to 24" in diameter.

12.4 Closed Drainage System Design

- 12.4.1 A closed drainage system design may be required at the Planning Board's discretion in commercial, densely developed residential areas, or in areas with excessively steep grades.
- 12.4.2 All computations for closed drainage system designs, shall be documented and included in the drainage report. These shall be performed under the supervision of an engineer.
- 12.4.3 Storm drains shall be designed on the assumption that each inlet intercepts all runoff that contributes to it, providing the inlet capacity is equal to or greater than the design runoff.
- 12.4.4 The compatibility of grate capacity, pipe capacity and design flow must be considered in closed system design.
- 12.4.5 The minimum grade of closed system pipes will be 0.4% or able to maintain a velocity of 2 fps while flowing one-third full.
- 12.4.6 Manholes shall be placed wherever a change in grade of alignment of a storm drain occurs but, in any case, a storm drain shall normally not have a manhole, catch basin or drop inlet more than 300 feet apart.
- 12.4.7 In general use catch basins rather than drop inlets. Call for drop inlets only where no pipe inlet occurs and where soils and other debris are not liable to wash in, on slope drainage, in embankments, and in culverts. Refer to the Typical Section showing the Catch Basin and Drop Inlet Design detailed in Exhibit I.
- 12.4.8 The minimum pipe size for closed systems under roadways is 15" diameter.
- 12.4.9 Minimum cover for closed drainage systems, measured between the pipe crown and finished grade, shall be as follows:
 - * Paved and Unpaved Roads - 3' for all type of pipe material
 - * Under Drives - 1' for all type of pipe material
 - * Under Grassed - 2' for all type of pipe material

Acceptable pipe materials for closed drainage systems include reinforced concrete; corrugated, galvanized steel; corrugated aluminum; and smooth lined, corrugated PVC pipe.
- 12.4.10 The type of grate chosen will be based on the following usage restrictions:

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

NH DOT GRATE STD.

WHERE UTILIZED

A	In roadways, ditches, medians where bicycle traffic is NOT anticipated.
B & B Alt.	In roadways, ditches, medians, where bicycle and pedestrian traffic is anticipated.
C	In ditches & sumps off the roadway where vehicles cannot make contact with the structure.
E & E Alt.	Where high grate capacity is required, and bicycle or pedestrian traffic is NOT anticipated.

All grates and frames shall be cast iron.

- 12.4.11 Placement of catch basins in curbed roadway sags shall conform to the following:
At least one catch basin with a double grate shall be located at the bottom of a sag. Depending on roadway classification and design considerations, an additional catch basin on either side could be necessary. The spacing between the three catch basins shall be such as to prevent ponding of ½ of the traveled way.

- 12.4.12 No surface flow shall be allowed across streets.

12.5 Ditches

- 12.5.1 A maximum length of 400 feet for a ditch to a catch basin or drop inlet is required. Local conditions may require variations. Any variations must be approved by the Board or the Board's Agent.
- 12.5.2 In order to keep the ditch self-cleaning, a minimum grade of 0.5% shall be required, except for "Site Specific Swales" as required by RSA 485-A:17.
- 12.5.3 All ditches shall be checked for possible erosion and subsequent siltation of streams. Acceptable methods of treatment include matting for erosion control, stone for erosion control, stone fill and riprap.
- 12.5.4 All ditches steeper than 5% shall be adequately protected against soil erosion. Matting for erosion control or stone linings shall be provided, as determined by an engineering evaluation.
- 12.5.5 Ditches shall be used at the top of back slopes only when excessive off-site runoff could damage slopes and/or overtax on-site systems.

12.6 Subsurface Drainage (Under drains)

Subsurface drainage systems (under drain pipe) shall be provided where the seasonal high ground water table is within five feet (5') of the finished roadway grade. Test pits or

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

borings in roadway cut sections shall be taken, as required or ordered by the Board's Agent, to locate the Seasonal High Water (SHWT) Table and determine the need for under drain pipe. This pipe shall be perforated PVC with a minimum diameter of 6". Alternative under drain pipe material shall require specific approval by the Board or its Agent.

12.7 Stormwater Detention and Retention Pond/Basin

12.7.1 Consideration shall be given to use of stormwater detention and retention basins to reduce the peak rainfall run-off rate from the subdivision. For the purpose of this regulation the following definitions shall apply:

Detention Pond or Basin - A stormwater storage facility which acts as a temporary reservoir, allowing rainfall runoff to be released at slow, pre-determined rates.

Retention Pond or Basin - A stormwater storage facility which acts as a temporary reservoir which does not allow any surface release of rainfall runoff until after a storm, if at all. Most often the retained stormwater is discharged into the ground by infiltration, or into the atmosphere by evaporation and transpiration by plants.

12.7.2 All computations for Detention or Retention Ponds/Basins shall be performed under the supervision of an engineer.

12.7.3 Considerations shall be given to providing adequately for emergency or flooding conditions.

12.7.4 Detention Pond/Basin side slopes shall not exceed 4 to 1 (4:1) horizontal to vertical dimension ratio unless the area is enclosed with suitable fencing.

12.7.5 The Planning Board, at its sole discretion, may require suitable fencing of Retention Ponds/Basins.

12.7.6 Adequate drainage easements and access ways (drives) must be provided to assure access to the proposed Detention or Retention Pond/Basin for maintenance purposes.

12.8 Construction Details

The subdivider shall include the following in the proposed construction plans.

12.8.1 Pipe profiles for all culverts and closed drain system pipes. These may be shown on roadway cross sections, roadway profile or on a completely separate profile, including existing and proposed finished grades, as required. Plans shall specify pipe type, size, length, slope and invert elevations.

12.8.2 All catch basins, drop inlets and man-holes shall be shown in profile, the type

ARTICLE 12– STANDARDS FOR DRAINAGE DESIGN

of grate with rim elevations shall be specified.

- 12.8.3 Any ditch section proposed, which is different from the typical roadside ditch, shall be shown in detail giving the bottom width, side slopes and minimum depth of ditch.
- 12.8.4 Permanent erosion control measures shall be specified and detailed on the plans for all roadside ditches (where required) and the drainage pipe outlets. Sufficient detail shall be provided to properly construct the intended item (i.e., stone size, thickness of stone layer, subgrade preparation or protection, depth of stone lining in ditch, etc).
- 12.8.5 Sufficient plans and construction details for Detention and Retention Ponds shall be provided.

ARTICLE 13– STANDARDS FOR STREET DESIGN

- 13.0 General:** All proposed streets, public or private, shall be designed and constructed to conform with the provisions of this section. Approval of the Board and the Fire Chief of the Town of Newbury concerning minimum requirements for passage of safety/emergency vehicles shall also be received. Please refer to the sketch entitled "Minimum Turning Path for Bus Design Vehicles" detailed in Exhibit J.
- 13.1 Master Plan:** The street system shall conform to the Master Plan of principal streets as adopted in whole or in part by the Board.
- 13.2 Alignment:**
- 13.2.1 Streets shall be continuous and in alignment with existing streets as far as possible.
 - 13.2.2 Street jogs with centerline offsets of less than 125 feet shall not be allowed.
 - 13.2.3 A tangent based on design speed shall be introduced between horizontal reverse curves on all proposed streets.
 - 13.2.4 Approval of the general development street plan shall be required before allowing construction of small integral phases of the plan.
- 13.3 Intersections:** When a street, public or private, leading from a subdivision is proposed to intersect an existing Town street, the entire intersection shall be examined for safety. The Town shall place a STOP sign on the subdivision street. The driver of the stopped vehicle must be able to see enough of the existing street to turn or cross before a vehicle on it from either direction reaches the intersection or overtakes him. To establish and preserve adequate safe sight distance, the following provisions shall be required of the subdivider:
- 13.3.1 Right-Angle: Except where it is unsuitable because of the character of the land, streets shall intersect so that within 75 feet of the intersection, the street lines shall be at right angles (90 degrees), or in no case shall they be less than 75 degrees.
 - 13.3.2 Grade: The subdivision street within 30 feet of the edge of the existing street pavement or proposed subdivision street shall be at a 2% grade upward when approaching the existing street.
 - 13.3.3 Sight Distance: The safe sight distance for the selected design vehicle (a single-unit truck, 30 feet long) is 13 times the posted speed of the existing town road or subdivision street (e.g., 30 mph = 390 feet; 35 mph = 455 feet). (Intersections with State of NH roads require an all-season safe sight distance of 400 feet).
 - 13.3.4 Obstructions: The eye of the driver of a stopped passenger car at 3.5 feet above

ARTICLE 13– STANDARDS FOR STREET DESIGN

the street must be able to see the top of an approaching vehicle at 4.25 feet above the street at the above safe sight distance without obstruction. No structure, vehicle parking, trees or plantings shall impair corner visibility. A "Sight Line Easement"/Deed Restriction shall be imposed on the corner lots controlled by the subdivider adjacent to the intersection to preserve the above safe sight distances; the Easement/Deed Restriction shall provide the Town the right to trim back or remove any impairment to the required visibility at the lot owner's expense.

13.3.5 Rounded Property Lines: Property lines at street intersections shall be rounded to provide a property line radius of not less than 30 feet.

13.3.6 Rounded Pavement Edges: At all private and public street intersections, edges of the pavement, traveled way, or curb lines shall be rounded with large enough radii to allow safe passage of "emergency vehicles" as defined by the template, "Minimum Turning Path for Bus Design Vehicle".

13.4 Guardrail: Guardrail will be required where slopes extend more than 10 feet from the height of the break in shoulder to the original grade on a 2:1 slope or in other hazardous areas which are determined by the Highway Administrator and the Board. Where guardrail is required, place face of guardrail at old "Break in Shoulder" and add 18 inches to shoulder construction to a new "Break in Shoulder" to stabilize guardrail posts. (See Typical Cross Section).

13.5 Right-of-Way

13.5.1 Public Road, Immediate or Future: Any ROW intended to be immediately or in the foreseeable future deeded to the Town within a subdivision shall be clearly indicated by the two sidelines on the Plat and the area of such ROW subtracted from the land to be subdivided. The width between the two ROW sidelines shall be as specified under "Standards for Street Design" in Section 13.11. This type of ROW will divide the land to be subdivided.

13.5.1 Permanently Private Road: Any ROW that is never intended to be deeded to the Town shall be clearly shown on the Plat as a single centerline and shall be considered as having no width which is subtractable from the land to be subdivided. This type of ROW need not divide proposed lots through which it travels to provide legal access to lots further on in the subdivision.

13.6 Covenant to Release Town etc. from Furnishing Public Streets: If the owner of the land represents to the Board, and the Board agrees, that he does not now desire or require public streets or roads within the subdivision for all or any portion of the land, he shall deliver to the Board for recording a signed Covenant entitled "Covenant Relating to Release of Town of Newbury from furnishing certain facilities in proposed subdivision of land, Newbury, NH" (Exhibit B of these regulations), and if such services are later desired or required, they shall be constructed and installed without cost to the Town in accordance with the regulations then current covering such work. Furthermore, such

ARTICLE 13– STANDARDS FOR STREET DESIGN

covenant shall become a part of every deed of transfer within the proposed subdivision.

- 13.7 Utilities:** It is recommended that all electric, telephone, cable, and other overhead lines be placed underground.
- 13.8 Harmony with Topography:** Street and lot pattern design shall give due consideration to contours and natural features of the land, where practical, within the standards set forth in the Zoning Ordinance. Aesthetic values shall be considered rather than rigid straight-line, city block layout of streets and roads.
- 13.9 Plantings:** The Board may require planting within the street right-of-way in those subdivisions where, due to the nature and character of the land, it would be appropriate, and planting shall be indicated on the Plat. The Tree Warden shall recommend to the Board, when requested, the specifications for such plantings.
- 13.10 Dead-End Streets:** In general, dead-end streets are discouraged and multiaccess streets are encouraged.
- 13.10.1 Length Measurement: In determining the overall length of a dead-end street, the street shall be measured from each terminal point to the first intersection of the street with a through street, i.e. the entrance. The terminal point of a loop shall be that point which is equidistant from the entrance. The length in a system of dead-end streets shall be the greatest length measured.
- 13.10.2 Length: The maximum length of a dead-end street shall be fifteen hundred (1,500) feet.
- 13.10.3 Special Case Loop Road: A dead-end street that loops back to join itself within two hundred fifty feet (250') of its junction with a through street shall not be considered to be a dead-end street.
- 13.10.4 Signage: All dead-end streets shall have a sign erected at the entrance warning that the street is a dead end or not a through street.
- 13.10.5 Turnarounds: Streets within a subdivision shall be coordinated with existing and other planned streets. In the event that the Board approves a dead-end street, it shall terminate in either of the following types of turnaround:
- 1) Cul-de-Sac: Cul-de-Sac design shall be either "Circular", "Teardrop", or "Reverse P" as detailed in Exhibits E, F and G respectively. The roadway width of a cul-de-sac shall be 20 feet. Drainage of the unsurfaced center of the Cul-de-Sac shall be provided by adequate means including culvert(s) leading to the outside of the Cul-de-Sac.
 - 2) Hammerhead "T" Type: Hammerhead "T" type turnarounds shall be 85 feet across and at least 20 feet wide. Drainage around the hammerhead shall be adequate.

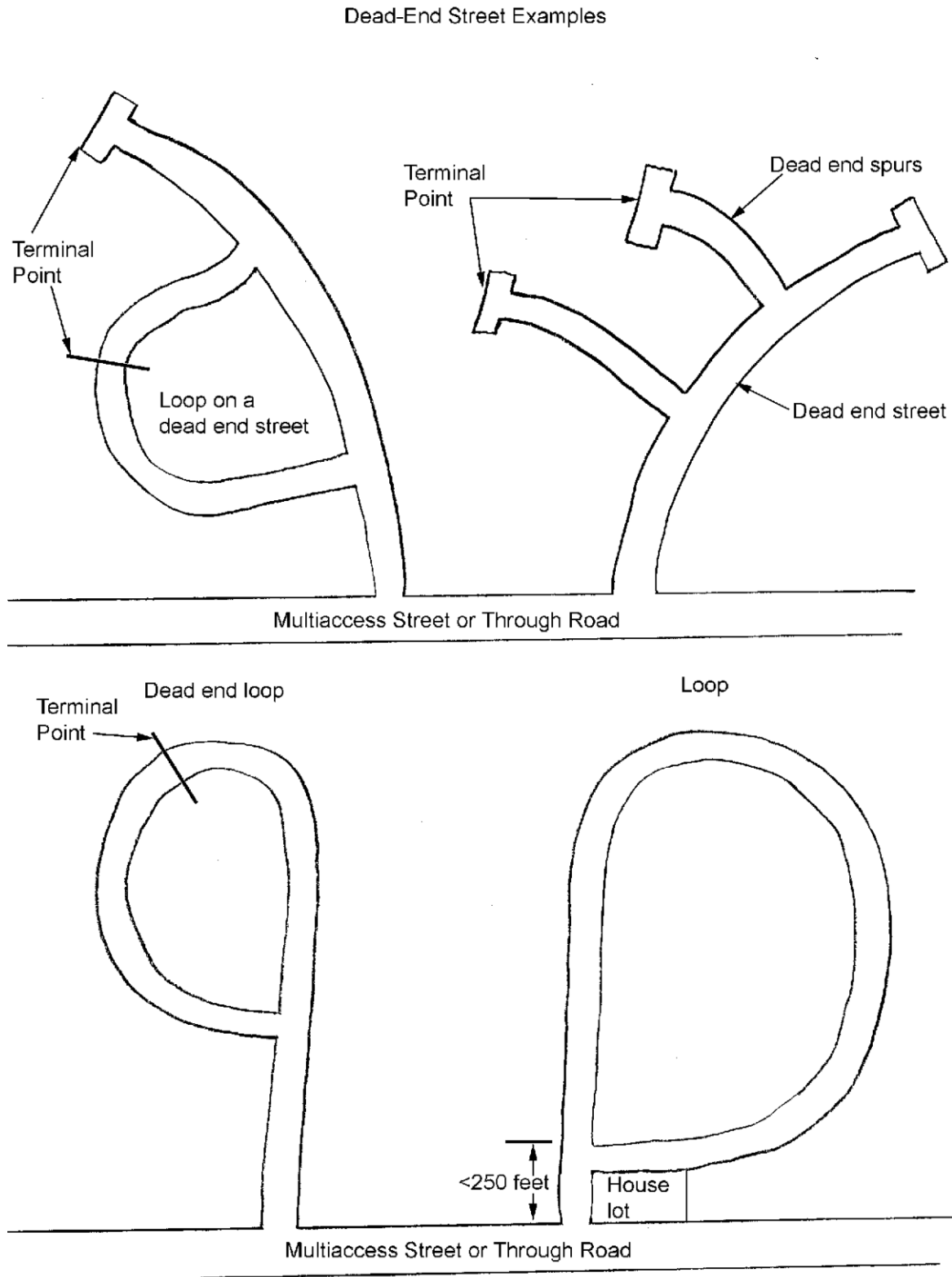
ARTICLE 13– STANDARDS FOR STREET DESIGN

- 3) Grades on Turnarounds: The grade on the turnaround and on 30 feet of its approach straightaway shall be no greater than 2% to enable winter plowing.

- 13.10.6 Isolation: A permanent dead-end street shall be isolated by not being brought to the property boundary line but shall be placed so that the lots abutting on the end of the street are contiguous with the property line of the subdivision. (This assures for a permanently dead-end street that the smallest size street based on the average daily vehicular traffic and number of housing units can be selected from the table "Classification of Streets" provided in Section 13.11 since through traffic is eliminated which could necessitate selection of a larger size street.)
- 13.10.7 Through Circulation: The Board shall ensure that there is adequate through circulation when needed as determined by the Board for secondary emergency vehicle access and overall traffic circulation. Traffic circulation patterns for service and local streets shall be designed to discourage through traffic from short-cutting through residential neighborhoods. The size of street needed within a subdivision is based on traffic to be generated by the development plus through traffic anticipated to use the street from outside the development. Whenever provision is made for extending a street through to an adjoining property, the extent of outside or through traffic needs to be accounted for in determining the appropriate size street to develop within the subdivision.

ARTICLE 13- STANDARDS FOR STREET DESIGN

Figure 13.1



ARTICLE 13– STANDARDS FOR STREET DESIGN

13.11 Classification of Streets

Classification standards for street design shall be as set forth below (See "Typical Cross Section with Open Drainage and Typical Cross Section with Closed Drainage").

STANDARDS FOR STREET DESIGN

	Service ¹	Local	Collector	Arterial
Average Daily Vehicular Traffic ²	1-40	1-240	241-400	400+
Number of Housing Units	1- 5	1- 30	31- 50	50+
Min. Traveled Surface Width (ft)	14	20	24	26
Min. Shoulder Width (ft) each side ¹²	2	3	3	4
Min. Distance between Shoulder - Break Points (ft)	18	24	30	34
Base Courses - Sand (in) ³	4	6	6	6
- Gravel (in)	4	12	12	14
- Crushed Gravel (in)	4	6	6	6
Total Depth of Base Courses (in)	12	24	24	26
Pavement Surface Material ^{10,12,13}	Opt.	P.B.Opt.	Bit.Con.	Bit.Con.
Ditch Line to Ditch Line (ft) ⁴	26	32	40	46
Min. Right-of-Way (ft) ⁵	40	50	50	60
Design Speed for Street (MPH) ⁶	20	30	30	35
Crest Vertical Curve "K" Factor ⁷	10	30	30	55
Sag Vertical Curve "K" Factor ^{7,11}	18	40	40	55
Min. Vertical Curve Length (ft)	60	200	200	200
Min. Horizontal Curve Radii to - Centerline of street (ft) ^{8,9}	140	325	325	400
Max. Curve Banking Cross Slope	4%	4%	4%	4%
Max. Profile Grade ^{9,10}	10%	8%	8%	6%

13.11.1 Footnotes for the above table

- (1) Service street standards may only be used on application to and with approval of the Board. Extra gravel as determined by the Highway Administrator shall be required when subgrade is on high silt material or clay.
- (2) Shall be traffic anticipated 20 years into the future (Assuming 8 trips per day per dwelling unit.) Refer to Section 13.10.4.

ARTICLE 13– STANDARDS FOR STREET DESIGN

- (3) Gravel may be substituted for sand.
- (4) Ditch lines located at bottom of Base Courses on "subgrade" and on an assumed 4:1 side slope from break point to ditch line. See Exhibit K. This influences amount of ROW.
- (5) The ROW dimension shall be measured perpendicular to straight-line sections and radial to curved sections. The right-of-way shall include five (5) feet more than the toe of the side slope and the top of the back slope (see Typical Cross Section).
- (6) Establishment of a design speed controls vertical and horizontal curves.
- (7) Multiply the appropriate Vertical Curve "K" Factor by the algebraic difference in grades in percent to obtain the minimum length of vertical curve for the street's profile. Unsymmetrical vertical curves will not be accepted by the Board.
- (8) Radii based upon the design speed for the street.
- (9) When horizontal radii within ten percent of the minimum are combined with profile grades within ten percent of maximum, one or the other shall be improved by twenty percent to preserve safety.
- (10) Profile grades equal to or over eight (8) percent shall be paved with bituminous concrete. Also, provide a 200 foot paved run-out on each end. "Opt" equals optional. "P.B. Opt" equals Planning Board's option or determination on requirement for bituminous concrete surface. "Bit Conc." equals bituminous concrete obligatory.
- (11) Use 'Service Street' 'K' Factor for stop intersections.
- (12) Streets designed with closed drainage shall have a paved surface curb to curb.
- (13) Any road proposed to be maintained by the Town shall be paved.

13.12 Marking of Proposed Streets: At the earliest practical stage during the application, the subdivider shall place on the ground clearly observable survey stakes with ribbons marking the center line of all proposed streets.

13.13 Alteration of Gradient: The Board may modify the maximum and minimum gradient for short lengths of street where, in the judgment of the Board, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of the land.

14.1 Town Overview:

ARTICLE 14– CONSTRUCTION OF STREET OR ROAD

4.1 Town Overview:

Construction of streets, drainage facilities, sidewalks, and curbs must be done under the observation or with the approval of the Highway Administrator of the Town of Newbury and the Board, or its agent.

14.2 Pre-Construction Meeting:

Before any construction begins, the subdivider, his road contractor, the Highway Administrator and the Board or its agent, will have a pre-construction meeting, the purpose of which is to clarify the design and construction standards contained herein.

14.3 Inspections:

Inspections by the Town Highway Administrator, the Planning Board and/or the Board's agent are required when:

- 14.3.1 Right-of-way has been cleared and before base has been laid. The Highway Administrator and the Board or its agent shall be notified so that approval of the Clearing and Grubbing can be made before any further work may progress.
- 14.3.2 Culverts and other drainage improvements are installed. The Highway Administrator and the Board or its agent shall be notified as to when the installation will occur. No backfilling will be done until the installation has been inspected.
- 14.3.3 Fine grading of the subgrade, side and back slopes.
- 14.3.4 Base course(s) of sand and/or gravel have been laid and compacted. The Highway Administrator and the Board shall be notified so that approval of the placement and compaction of the sand and/or gravel courses may be made before any further work progresses.
- 14.3.5 Finish course of crushed gravel and shoulders have been laid, compacted and fine graded. The Highway Administrator and the Board shall be notified so that approval of fine grading of the top course can be made before any further work progresses.
- 14.3.6 Surfacing with bituminous courses is in progress. The Highway Administrator and the Board or its agent shall approve the paving contractor and materials to be used when the bituminous option is utilized. No paving shall be done until the top course of the base courses has been approved.
- 14.3.7 Site clean-up and final review with the Highway Administrator, the Planning Board and/or the Board's agent.

ARTICLE 14– CONSTRUCTION OF STREET OR ROAD

- 14.3.8 Such other operations as may be found necessary by the Highway Administrator or the Board or its agent.

14.4 Notice before Inspection:

For required inspections during construction, the Contractor, Owner or Developer shall give at least 48 hours (2 working days) notice to the Highway Administrator in order to coordinate schedules. The Highway Administrator may make such additional inspections as he deems necessary.

14.5 Testing:

All testing requested by the Highway Administrator will be done by a laboratory approved by the Board and shall be paid for by the subdivider.

The source(s) of sand, gravel and crushed gravel shall be as approved by the Highway Administrator and the Board prior to bringing the materials to the job site. Sieve analyses may be required.

14.6 Earthwork:

Earthwork consists of clearing, grubbing, excavation and embankment. This work shall generally comply with Division 200 - Earthwork, Section 201 -- Clearing and Grubbing, Sub-section 3 - Construction Requirements as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as amended.

- 14.6.1 Clearing and Grubbing: The limits of clearing and grubbing shall be laid out on the ground before any other work commences and shall extend five (5) feet beyond the excavation and embankment slope limits.

- 14.6.2 Excavation and Embankment: This work shall consist of excavation, placement and compaction of embankment and the necessary disposal of other material. This work shall generally comply with Division 200 - Earthwork, Section 203 - Excavation and Embankment, Sub-section 3 - Construction Requirements as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as amended.

14.7 Drainage:

Adequate disposal of surface water run-off shall be provided by the subdivider. This work shall generally comply with Division 600 - Incidental Construction, Section 603 -- Culverts and Storm Drains, Section 604 -- Catch Basins, Drop Inlets, and Manholes and Section 605 -- Underdrains as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as

ARTICLE 14– CONSTRUCTION OF STREET OR ROAD

amended.

14.8 Grading of the Subgrade:

Upon completion of excavation, placement of embankment and installation and backfilling of drainage structures, the subgrade shall be graded to conform to the profile grade for the subgrade and cross slope. High spots shall be honed down, and low spots filled with material acceptable to the Highway Administrator. The process of rolling or vibration compacting shall continue until no further depressions result. Shoulders, slopes and ditches shall be shaped to reasonably smooth surfaces in keeping with the character of the adjacent terrain and merge into it without any noticeable break. Culverts and waterways shall be cleared of all obstructions. Rubbish, brush, loose rock, boulders and all other debris from the construction work shall be removed and disposed of as directed by the Highway Administrator with the approval of the Board. The entire roadway must present a uniformly finished appearance at the completion of grading. The Highway Administrator and the Board shall be notified so that approval of grading of the subgrade, side and back slopes and ditches can be made before any further work can progress.

Survey Stakes: It shall be the responsibility of the subdivider to have grade stakes put in at 50-foot intervals. Each stake shall be driven firmly beyond the toe or top of the slope in a location where it will not be disturbed by construction operations and be clearly marked to give the following information:

- * Station
- * Offset from center-line
- * Cut or fill to finished center-line grade

Also, the subdivider shall construct grade control stakes at 50' intervals and located near the shoulder break point or 2' outside of the proposed curb line on both sides of the roadway. Each stake shall be marked with the centerline station and a finished grade mark.

The subdivider shall preserve the grade stakes until the completion of the streets and if stakes are removed or destroyed so that the Highway Administrator or the Board's Agent cannot readily check the grade at any location, the stakes shall be replaced at the expense of the subdivider.

14.9 Base Courses:

Base courses as specified in the Classification of Street Standards Table shall comply with Division 300 - Base Courses, Section 304 -- Aggregate Base Course, Sub-section 2 - Materials as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as amended.

14.10 Placing of Sand, Gravel and Crushed Gravel:

The placing of sand, gravel and crushed gravel shall generally comply with Division 300 - Base Courses, Section 304 -- Aggregate Base Course, Sub-section 3 - Construction

ARTICLE 14– CONSTRUCTION OF STREET OR ROAD

Requirements as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as amended.

14.11 Pavement Surface:

Plant mix pavements shall comply with Division 400 - Pavements, Section 401 -- Plant Mix Pavements - General as outlined in the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Transportation, 1990 or as amended.

14.12 Utilities:

Utilities will be placed after the project has been brought to subgrade and rough slope work has been completed. The lines will be inspected by their respective companies.

ARTICLE 15- ENFORCEMENT

15.1 Enforcement, Fines & Penalties and Injunctive Relief

- 15.1.1 Enforcement - These regulations shall be enforced by the Selectboard as provided in RSA 676:17.
- 15.1.2 Fines and Penalties and Injunctive Relief - Enforcement of these regulations by the Selectboard shall follow the provisions of RSA 676:15 Injunctive Relief, 676:16 Penalties for Transferring Lots in Unapproved Subdivisions, 676:17 Fines and Penalties, and 676:17-a Cease and Desist Orders.

ARTICLE 16– MISCELLANEOUS PROVISIONS

16.1 Separability

If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these regulations.

16.2 Interpretation

In the matters of interpretation of these regulations, the opinion of the Planning Board shall prevail.

16.3 Amendments

These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever this action is deemed necessary or advisable by the Board, but not until the Planning Board conducts a public hearing to consider the proposed amendment as per RSA 675:6. Certified copies signed by a majority of the Board members shall be filed with the Town Clerk and the Selectboard.

16.4 Numbering

After amendments are adopted, the Board shall have the authority to renumber the sections consecutively.

16.5 Certification

Certified to be a true copy, attest:

Barbara Freeman

William M. Wain

Albert W. Bachelder

I. A. [Signature]

David A. Thayer

J. Ronald Williams

ARTICLE 16– MISCELLANEOUS PROVISIONS

CREDITS: Adapted from and may be used with the following documents:

*Handbook of Subdivision, State of New Hampshire, Office of State Planning, 1972.

*Highway Design Manual, Vol. I & II, New Hampshire Department of Public Works and Highways, Highway Design Division, 1983.

*Standard Specifications for Road and Bridge Construction, New Hampshire Department of Public Works and Highways, 1990.

EXHIBIT B1

COVENANT RELATING TO RELEASE OF THE TOWN OF NEWBURY,
FROM FURNISHING CERTAIN FACILITIES IN PROPOSED SUBDIVISION OF
LAND, NEWBURY, NEW HAMPSHIRE

The undersigned developer, (1) having proposed to subdivide a certain tract or parcel of land situate in Newbury in the County of Merrimack and State of New Hampshire, as more particularly described in deed to the undersigned dated _____ and recorded in Merrimack County Registry of Deeds, Book _____, Page _____, to which reference is made, and (2) having requested approval of the proposed subdivision by the Planning Board of the Town of Newbury, and (3) having represented to said Planning Board that he does not now desire or require public highway facilities for all or any of the land in said subdivision as described in the foregoing deed, (4) in consideration of the approval of the proposed subdivision by said Planning Board, for himself, his heirs, administrators, successors and assigns, does hereby covenant, grant and agree to and with the Town of Newbury, and their successors and assigns, as follows:

- A. On behalf of himself, and his successors in title of all or any part of said tract of land, he and they hereby absolve, release and forever discharge the Town of Newbury from all obligation to provide, at public expense, any public highways (including drainage, sidewalks and curbs) for the benefit of all or any portion of said tract of land.
- B. On behalf of himself, and his successors in title of all or any part of said tract of land, he and they jointly and severally undertake that, whenever any of the foregoing public services or facilities are desired or required for the benefit of all or any part of said tract of land, they will cause the same to be constructed at their own expense and without cost to the Town of Newbury in accordance with the then current subdivision regulations of the Town of Newbury and the then current specifications and standards of the municipal officers having jurisdiction thereof.
- C. This covenant shall run with and be binding upon the foregoing tract of land and every part thereof and shall be recorded in Merrimack County Registry of Deeds as evidence thereof. In each and every deed of a lot in said subdivision the developer undertakes to insert a clause referring to this covenant and binding the grantee to it.

Given under the hand seal of the undersigned developer(s) this day of _____, 20__.

Witness:

The State of New Hampshire
Merrimack, ss.

Personally, appeared the above subscriber(s) and each acknowledged the foregoing instrument to be his (her) free act and deed. Before me:

Justice of the Peace/Notary Public

EXHIBIT B2

COVENANT RELATING TO RELEASE OF THE TOWN OF NEWBURY,
FROM FURNISHING CERTAIN FACILITIES IN PROPOSED
SUBDIVISION OF LAND, NEWBURY, NEW HAMPSHIRE

The undersigned developer, (1) having proposed to subdivide a certain tract or parcel of land situate in Newbury in the County of Merrimack and State of New Hampshire, as more particularly described in deed to the undersigned dated _____ and recorded in Merrimack County Registry of Deeds, Book _____, Page _____, to which reference is made, and (2) having requested approval of the proposed subdivision by the Planning Board of the Town of Newbury and (3) having represented to said Planning Board that it does not now desire or require public highway facilities for all or any of the land in said subdivision as described in the foregoing deed, (4) in consideration of the approval of the proposed subdivision by said Planning Board, for itself, its successors and assigns, does hereby covenant, grant and agree to and with the Town of Newbury and their successors and assigns, as follows:

- A. On behalf of itself, its successors and assigns in title of all or any part of said tract of land, it and they hereby absolve, release and forever discharge the Town of Newbury from all obligation to provide, at public expense, any public highways (including drainage, sidewalks and curbs) for the benefit of all or any portion of said tract of land.
- B. On behalf of itself, its successors and assigns in title of all or any part of said tract of land, it and they jointly and severally undertake that, whenever any of the foregoing public services or facilities are desired or required for the benefit of all or any part of said tract of land, they will cause the same to be constructed at their own expense and without cost to the Town of Newbury in accordance with the then current subdivision regulations of the Town of Newbury and the then current specifications and standards of the municipal officers having jurisdiction thereof.
- C. This covenant shall run with and be binding upon the foregoing tract of land and every part thereof and shall be recorded in Merrimack County Registry of Deeds as evidence thereof. In each and every deed of a lot in said subdivision the developer undertakes to insert a clause referring to this covenant and binding the grantee to it.

Given under the hand and seal of the undersigned developer(s) this day of _____, 20__.

Witness:

The State of New Hampshire
Merrimack, ss.

Personally appeared the above subscriber(s) and each acknowledged the foregoing instrument to be his (her) free act and deed. Before me:

Justice of the Peace/Notary Public

EXHIBIT B3

COVENANT RELATING TO RELEASE OF TOWN OF NEWBURY,
FROM FURNISHING CERTAIN FACILITIES IN PROPOSED
SUBDIVISION OF LAND, NEWBURY, NEW HAMPSHIRE

The undersigned developer, (1) having proposed to subdivide a certain tract or parcel of land situate in Newbury in the County of Merrimack and State of New Hampshire, as more particularly described in deed to the undersigned dated _____ Book _____ Page _____, to which reference is made, and (2) having requested approval of the proposed subdivision by the Planning Board of the Town of Newbury and (3) having represented to said Planning Board that he does now desire or require fire protection and facilities for all or any of the land in said subdivision as described in the foregoing deed, (4) in consideration of the approval of the proposed subdivision by said Planning Board, for himself, his heirs, administrators, successors and assigns, does hereby covenant, grant, and agree to and with the Town of Newbury, and their respective successors and assigns, as follows:

- A. On behalf of himself, and his successors in title of all or any part of said tract of land, he and they hereby absolve, release and forever discharge the Town of Newbury, from all obligation to provide, at public expense, any public cisterns or fire facilities, piping, and maintenance, for the benefit of all or any portion of said tract of land.
- B. On behalf of himself, and his successors in title of all or any part of said tract of land, he and they jointly and severally undertake that, whenever any of the foregoing public services or facilities are desired or required for the benefit of all or any part of said tract of land, they will cause the same to be constructed at their own expense, and without the cost to the Town of Newbury, in accordance with the then current subdivision regulations of said Town and the then current specifications and standards of the municipal officers having jurisdiction thereof.
- C. On behalf of himself, and his successors in title of all or any part of said tract of land, he and they jointly and severally undertake that they will maintain the same at their sole expense and in accordance with the directions of the Town of Newbury, and if they shall fail to maintain in accordance with such directions, that the Town will maintain the same in accordance with its requirements and if the Town is required to maintain the same, the Town will file a lien upon the foregoing tract of land and every part thereof and shall record such lien in the Merrimack County Registry of Deeds.
- D. This covenant shall run with and be binding upon the foregoing tract of land and every part thereof and shall be recorded in Merrimack County Registry of Deeds as evidence thereof. In each and every deed of a lot in said subdivision the developer undertakes to insert a clause referring to this covenant and binding the grantee to it.

Given under the hand seal of the undersigned developer(s) this day of _____ 20__.

EXHIBIT B3

COVENANT RELATING TO RELEASE OF TOWN OF NEWBURY,
FROM FURNISHING CERTAIN FACILITIES IN PROPOSED
SUBDIVISION OF LAND, NEWBURY, NEW HAMPSHIRE

WITNESS:

The State of New Hampshire
Merrimack, ss.

Personally, appeared the above subscriber(s) and each acknowledged the foregoing instrument to
be his (her) free act and deed. Before me:

Justice of the Peace/Notary Public

EXHIBIT C
SUGGESTED FORM OF ACCEPTABLE IRREVOCABLE LETTER OF CREDIT

Selectboard
Town of Newbury
Town Office
Newbury, N.H. 03255

RE: Irrevocable Letter of Credit _____ Subdivision

Dear Town Officials:

By this document the _____ Bank (hereinafter "issuer") hereby issues an Irrevocable Letter of Credit in the amount of \$ _____ to the Town of Newbury on behalf of _____ (hereinafter "developer"). This Irrevocable Letter of Credit is issued to guaranty completion of all improvements required by the Newbury Planning Board and the Town of Newbury Land Subdivision Control Regulations in conjunction with a subdivision plan entitled " _____ ", dated _____, prepared by _____, and approved by the Newbury Planning Board on _____.

It is understood that the improvements guaranteed by this Irrevocable Letter of Credit include, but are not limited to the following:

1. Construction of _____ linear feet of roadway along with all associated utilities. Said roadway being shown on the above referenced plan as _____.
- 2.
- 3.

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of _____ months. If all improvements guaranteed by this letter of credit are not completed by _____ (date) and if a certificate indicating completion of all improvements has not been issued by the Planning Board, then this letter of credit shall be automatically considered to have been called and without further action of the Town of Newbury or its Planning Board, the _____ Bank shall forward a check in the amount of \$ _____ to the Treasurer of the Town of Newbury. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit. Any funds not needed by the Town to complete the improvements required by the subdivision plan referred to above shall be returned to the _____ Bank.

(Signature of Bank Official) Date: _____

I have read this letter of credit and agree to its terms.

(Signature of Developer)

EXHIBIT D
COVENANT RESTRICTING LOT SALES

_____ SUBDIVISION

Newbury, N.H.

This covenant relates to property in Newbury, Merrimack County, New Hampshire, and is made on this _____ day of _____, 20__, by (Subdivider Name) _____,
(Address) _____.

RECITALS

1. The subdivider has proposed to subdivide land located _____
_____ Newbury, Merrimack County, New Hampshire.
The proposed subdivision is shown on a plan entitled, _____, dated _____, 20__, prepared by _____ which plan is to be recorded in the Merrimack County Registry of Deeds.
2. The land for the subdivision was conveyed to the subdivider by deed of _____, dated _____, 20__, and recorded at the Merrimack County Registry of Deeds in Book _____, Page _____.
3. The subdivider will be constructing and installing improvements for the subdivision, and, in accord with Section 6.4 of the Newbury Land Subdivision Control Regulations, the Newbury Planning Board has required the subdivider to do one of the following in order for the Planning board to sign the plat: (1) complete the improvements, (2) post security for completion of the improvements, or (3) record a Covenant Restricting Lot Sales with the Merrimack County Registry of Deeds.
4. This restrictive covenant is filed pursuant to Section 6.4.3 of the Newbury Land Subdivision Control Regulations last amended on _____, 20__.

PROVISIONS

1. The Planning Board shall approve the plan and record the plan as an approved subdivision, subject to this covenant.
2. The subdivider will not sell interior lots in the subdivision until this covenant is released as provided below. This release may be done in phases. The interior lots that will not be sold until this covenant is released are:
_____.
3. The following lots are not subject to this covenant, and the subdivider may sell these lots prior to this covenant being released:
_____.

EXHIBIT D
COVENANT RESTRICTING LOT SALES

4. In accord with Section 6.4.3 of the Newbury Land Subdivision Control Regulations, the Planning Board shall release this covenant by approving and recording an instrument that indicates that either:

a. Security in the form and amount acceptable to the Planning Board for the then required subdivision improvements has been furnished to and accepted by the Planning Board; or

b. The required subdivision improvements have been constructed and a Temporary Certificate of Performance required by Section 5.4 of the Newbury Land Subdivision Control Regulations has been approved by the Planning Board.

5. The subdivider's breach of this covenant may result in the Selectboard's refusal of a building permit for construction.

6. As indicated in Section 6.4.3(3) of the Newbury Land Subdivision Control Regulations, nothing in this covenant shall obligate the Planning Board to approve either the certificate of performance of improvements or the proposed security. If at the time the certificate is requested or the security is proposed and the Planning Board determines that circumstances in the Town of Newbury have so substantially changed so that the continued sale of lots in the subdivision results in the need for either off-site improvements, impact fees, restrictions on the issuance of building, sewer or water permits, or other material or substantial changes have occurred in the Town of Newbury since the subdivision was approved, the Planning Board shall consider the request for the certificate or approval of security as a new subdivision application.

7. Once approved, this subdivision is subject to and benefitted by Section 6.7 FOUR YEAR EXEMPTION of the Newbury Land Subdivision Control Regulations.

By: (Subdivider Signature) _____

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared before me this ____ day of _____, 20____,
_____, duly authorized owner of _____,
a New Hampshire Corporation, on its behalf.

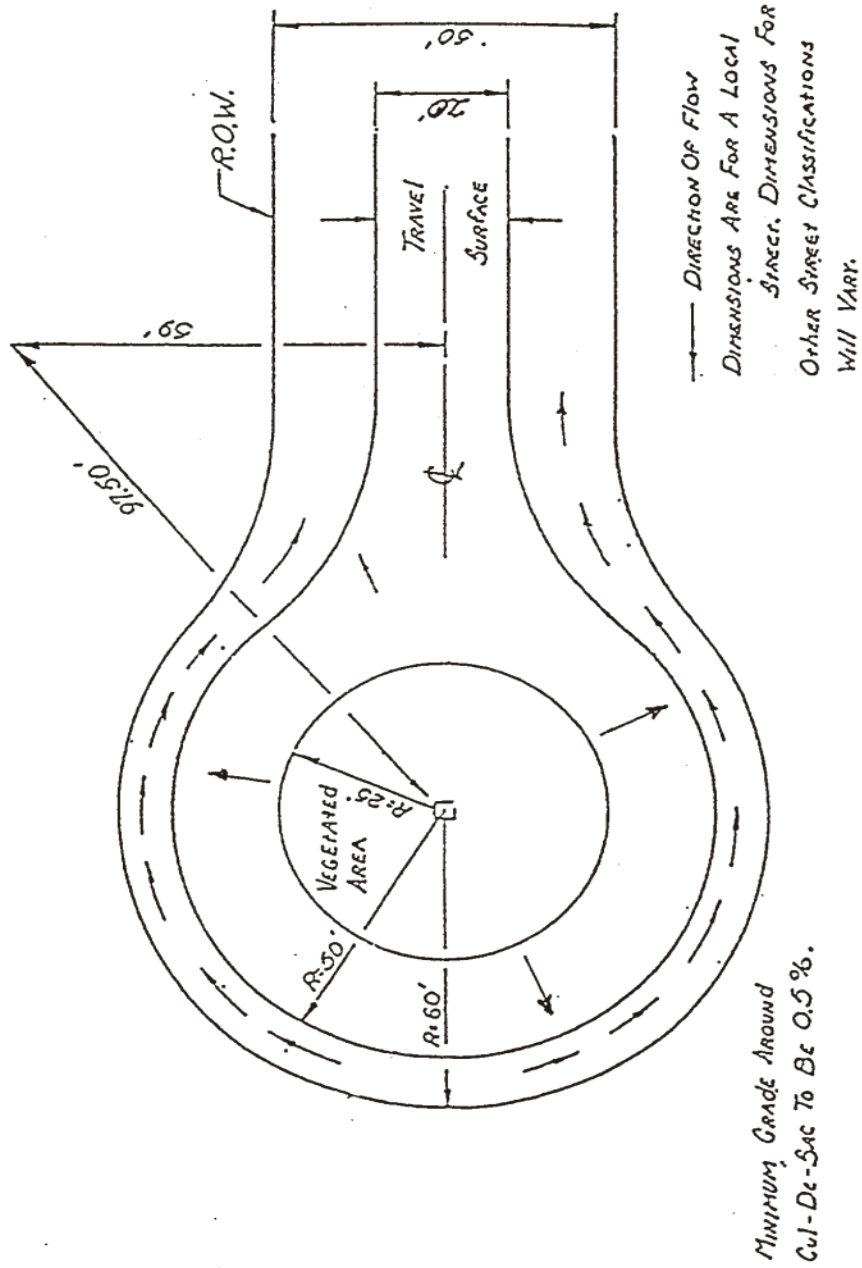
Notary Public
My Commission expires _____

The Newbury Planning Board has read and approved this covenant.

THE TOWN OF Newbury PLANNING BOARD

By: _____, Chair

EXHIBIT E
TYPICAL CIRCULAR CUL-DE-SAC DETAIL



TYPICAL CUL-DE-SAC DETAIL

EXHIBIT F
TYPICAL TEARDROP CUL-DE-SAC DETAIL

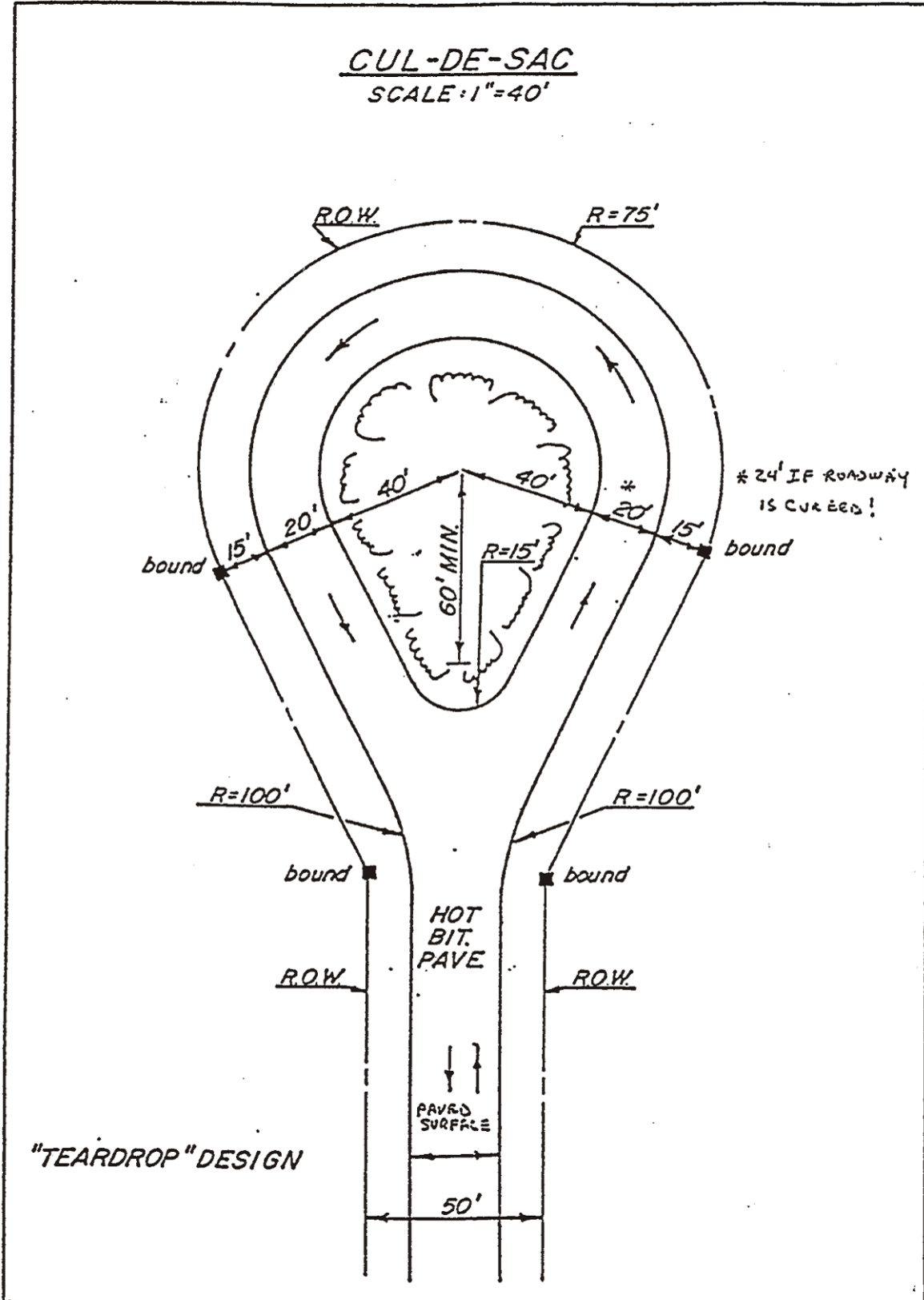


EXHIBIT G
TYPICAL REVERSE P CUL-DE-SAC DESIGN

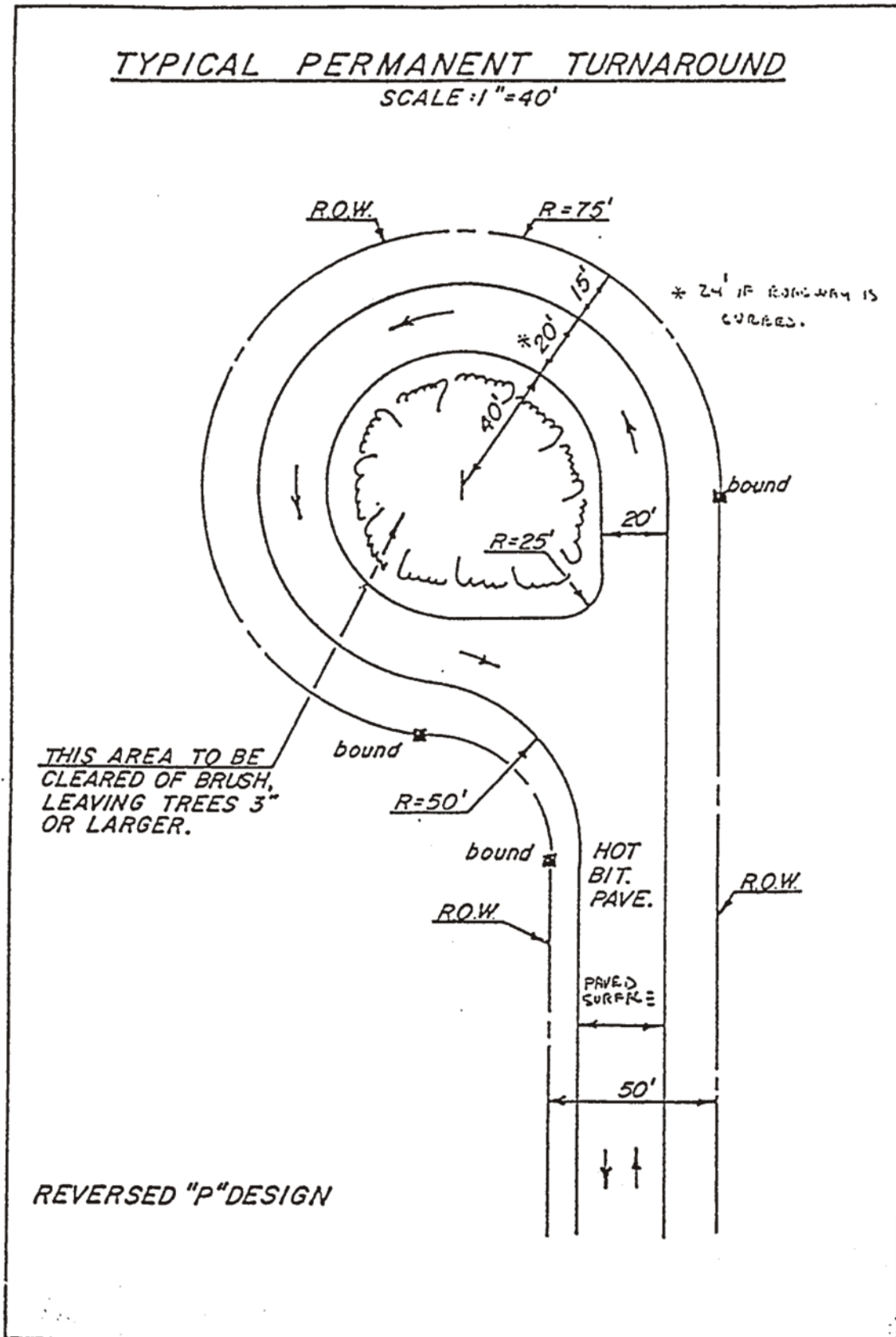
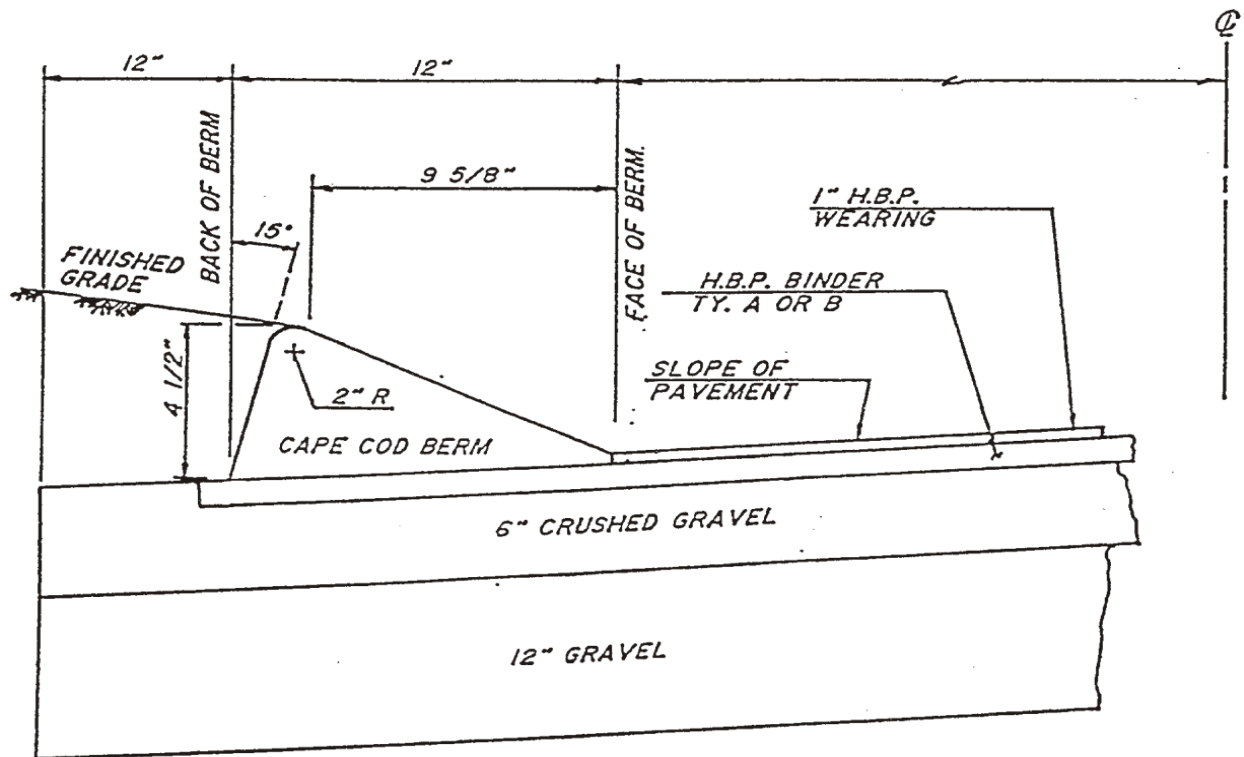


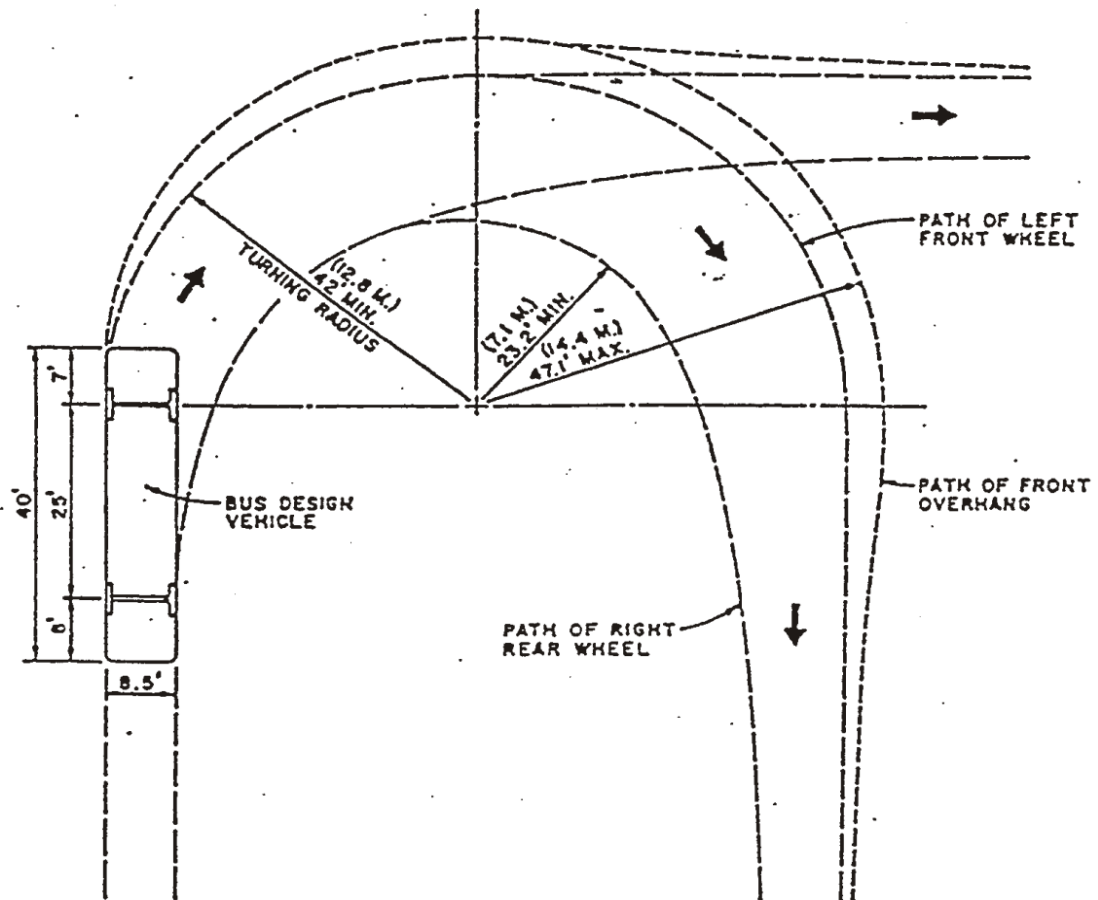
EXHIBIT H
TYPICAL CAPE COD BERM CURB DETAIL



BITUMINOUS CURB DETAIL

LOCATIONS SHOWN ON PLANS
(NOT TO SCALE)

EXHIBIT J
MINIMUM TURNING PATH FOR BUS DESIGN VEHICLE



MINIMUM TURNING PATH FOR
BUS DESIGN VEHICLE
SCALE: 1" = 20'

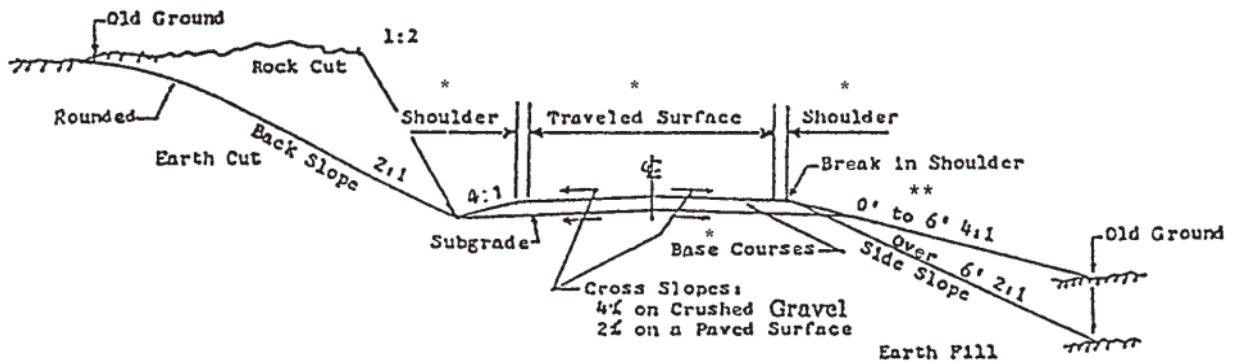
STANDARD FOR "EMERGENCY VEHICLES"

This template for a right hand turn taken from Section 5 of the HIGHWAY DESIGN MANUAL of 1983, New Hampshire Department of Public Works and Highways. For left hand turns, use the obverse of this template.

Additional Requirement: Allow two (2) feet beyond the wheel to curb or edge of pavement for stop and yield traffic, or allow four (4) feet for non stop turning.

EXHIBIT K TYPICAL ROAD CROSS SECTION – OPEN DRAINAGE

TYPICAL CROSS SECTION WITH OPEN DRAINAGE



* Use dimensions specified in table, "Classification of Streets", Section 13.11.

** Where the height from the break in shoulder to original grade is greater than six feet at a 4:1 slope, a 2:1 slope will be constructed as relief.

Note: See requirement for guardrails in Section 13.4.

EXHIBIT L
TYPICAL ROAD CROSS SECTION - CLOSED DRAINAGE

